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No. 11] NEW DELHI, SATURDAY, MARCH 12, 1994/PHALGUNA 21, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government
of India (other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(विधि कार्य विभाग)

(Department of Legal Affairs)

न्यायिक खंड

Judicial Section

सूचना

NOTICE

नई दिल्ली, ७ जनवरी, १९९४

New Delhi, the 7th January, 1994

का.आ. ६६८--नोटरीज नियम, १९५६ के नियम ६ के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री हाडपे वालिबा नरहरी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम ४ के अधीन एक आवेदन इस बात के लिए दिया है कि उसे निकड़ और नासिक जिला, (महाराष्ट्र) में व्यावसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

S.O. 668.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Hadape Valiba Narhari, Advocate for appointment as a Notary to practise in Nephad & Nasik, Distt. (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[सं. ५(९)/९४-न्यायिक]

[F. No. 5(9)/94-Judl.]

पी.सी. कण्णन, सक्षम प्राधिकारी

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 8 फरवरी, 1994

का.आ. 669—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दयाल जी पमनानी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बम्बई (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 3(21)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th February, 1994

S.O. 669.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Shri Dayal G. Pannani, Advocate for a appointment as a Notary to practise in Bombay (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(21)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 8 फरवरी, 1994

का.आ. 670—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मोहम्मद याकूब खत्री, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे लक्ष्मणगढ़, जिला सीकर (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(22)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th February, 1994

S.O. 670.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Mohammed Yakub Khatri, Advocate for appointment as a Notary to practise in Lachhmanagarh, Distt. Sikar (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(22)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 8 फरवरी, 1994

का.आ. 671—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री पदमनाभ शेटी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे थाणे (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(19)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th February, 1994

S.O. 671.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Padmanabh Shetty, Advocate, for appointment as a Notary to practise in Thane (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(19)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 8 फरवरी, 1994

का.आ. 672—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सुनील एस भोडे, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गोखले रोड (नार्थ) दादरा, बम्बई (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(17)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th February, 1994

S.O. 672.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Sunil S. Bhide, Advocate for appointment as a Notary to practise in Gokhle Road, (North) Dadar, Bombay (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(17)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 8 फरवरी 1994

का.आ. 673—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एस. रामा राव, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फोर्ट, के. आर. रोड, बंगलौर (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(23)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th February, 1994

S.O. 673.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by S. Rama Rao, Advocate for appointment as a Notary to practise in Fort K. R. Road, Bangalore (Karnatak).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(23)/94Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 8 फरवरी 1994

का.आ. 674—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार एडवोकेट, के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे आगरा सिटी (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(20)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th February, 1994

S.O. 674.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Ashok Kumar Advocate for a appointment as a Notary to practise in Agra City (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(20)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 17 फरवरी, 1994

का.आ. 676—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रतन सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गिठरबाह, जिला फरीदकोट (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(26)/94—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 17th February, 1994

S.O. 675.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Rattan Singh, Advocate for appointment as a Notary to practise in Gidderbaha, Dist. Faridkot (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(26)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 17 फरवरी, 1994

का.आ. 676—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम० आर० रेड्डी, एडवोकेट ने प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे औरंगाबाद (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं० 5 (24)/94 - न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 17th February, 1994

S.O. 676.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri M. R. Reddy, Advocate for appointment as a Notary to practise in Aurangabad (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(24)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 18 फरवरी, 1994

का.आ. 677—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री विरेन्द्रा सिधवानी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फगवाड़ा (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(25)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 18th February, 1994

S.O. 677.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Virendra Sindhwani, Advocate for a appointment as a Notary to practise in Phagwara Distt. Kapurthala (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(25)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 18 फरवरी, 1994

का.आ. 678—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि सुश्री नीरा डी. कापडिया एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे महाराष्ट्र राज्य में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(27)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 18th February, 1994

S.O. 678.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by M/s. Nira D. Papadia, Advocate

for appointment as a Notary to practise in State of Maharashtra.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(27)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 28 जनवरी, 1994

का.आ. 679—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री भिखारी दास शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे तहसील स्याना, जिला बुलन्दशहर (उ.प्र.) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(17)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 28th January, 1994

S.O. 679.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Bhikari Das Sharma, Advocate for appointment as a Notary to practise in Teh. Syana & Distt. Bulandshahar (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(17)/94-Judl.]

P. C. KANNAN, Competent Authority

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 2 फरवरी, 1994

(आयकर)

का.आ. 680—आयकर अधिनियम, 1961 (1961 का 43) की धारा 17 के खंड (17) के उपखंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा राजस्थान विधानसभा के सदस्यों द्वारा प्राप्त चुनाव क्षेत्र भत्ता छः सौ रुपये प्रति माह की सीमा तक करने को उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है।

[अधिसूचना सं. 9169 का.सं. 200/17/93-आयकर (नि.-1)]

शरत चन्द्र, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 2nd February, 1994

(INCOME TAX)

S.O. 680.—In exercise of the powers conferred by sub-clause (iii) of clause (17) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the Constituency Allowance received by the Members of the Rajasthan Vidhan Sabha to the extent of rupees six hundred per month for the purpose of the said sub-clause.

[Notification No. 9469/F. No. 200/17/93-ITA-I]

SHARAT CHANDRA, Under Secy.

आदेश

नई दिल्ली, 10 फरवरी, 1994

स्टाम्प

का. भा. 681.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा महाराष्ट्र राज्य वित्तीय निगम, बम्बई को मात्र अठारह लाख, तिरानवे हजार और सात सौ पचास रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो कि उक्त निगम द्वारा जारी किये जाने वाले मात्र पच्चीस करोड़ और पच्चीस लाख रुपये के कुल मूल्य के 13.5%, एमएसएफसी बॉण्ड्स 2003 (66 सीरीज) बॉण्ड्स की 1 से 262 तक की विशिष्ट संख्या वाले ऋण-पत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 6/94-स्टाम्प फा. सं. 33/3/94-वि. क.]

आत्मा राम, अवसर सचिव

ORDER

New Delhi, the 10th February, 1994

STAMPS

S.O. 681.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of rupees Eighteen lakhs, ninety three thousand and seven hundred fifty only, chargeable on account of the stamp duty on 13.5 per cent MSFC Bonds 2003 (66 series) Bonds bearing distinctive numbers 1 to 262 in the form of debentures of the aggregate value of rupees twenty five crores and twenty five lakhs only to be issued by the said Corporation.

[No. 6/94-Stamp F. No. 33/3/94-ST]

ATMA RAM, Under Secy.

आदेश

नई दिल्ली, 24 फरवरी, 1994

का. भा. 682.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा. सं. 673/107/93-सी. शु.-8 दिनांक 18-10-93

को यह निदेश जारी किया था कि श्री शीतल प्रसाद, 931-32 गली मंदिर वाली, पहाड़गंज, नई दिल्ली (2) गंगा माई संतार, मुरार, ग्वालियर (मध्य प्रदेश) को निरुद्ध कर लिया जाए और केन्द्रीय कारागार तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उसे भविष्य में, तत्कालित माल के परिवहन, छिपाने या रखने का काम करने से अन्यथा तत्कालित माल का व्यवहार करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के समक्ष हाजिर हों।

[फा. सं. 673/107/93-सी. शु.-8]

जे. एल. साहनी, अवसर सचिव

ORDER

New Delhi, the 24th February, 1994

S.O. 682.—Whereas the Joint Secretary of the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Preventing of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/107/93-Cus.III dated 18-10-93 under the said sub-section directing that Shri Sheetal Prasad, R/o 931-32, Gali Mandirwalli, Paharganj, New Delhi & Gunga Mai Santar, Murar, Gwalior, M.P. be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from dealing in smuggling of goods otherwise by engaging in transporting, concealing and keeping smuggled goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/107/93-Cus.VIII]

J. L. SAWHNEY, Under Secy.

आदेश

नई दिल्ली, 24 फरवरी, 1994

का. भा. 683.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा. सं. 673/109/93-सी. शु.-8 दिनांक 18-10-93 को यह निदेश जारी किया था कि श्री रविकान्त शर्मा सुपुत्र श्री बन्नीप्रसाद शर्मा (1) 513-ए, मन्दोला, पहाड़गंज, नई दिल्ली (2) 931-32 गली मंदिरवाली, पहाड़गंज, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय

कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उसे भविष्य में, तस्करीत माल के परिवहन या छिपाने या रखने का काम करने से अथवा तस्करीत माल का व्यवहार करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, दिल्ली के समक्ष हाजिर हो।

[फा. सं. 673/109/93-सी.शु.-8]

जे.एल. साहनी, अवर सचिव

ORDER

New Delhi, the 24th February, 1994

S.O. 683.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Preventing of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/109/93-Cus. VIII dated 18-10-93 under the said sub-section directing that Shri Ravi Kant Sharma, S/o Shri Badri Prasad Sharma, 513 A, Mantola Paharganj, New Delhi (II) 931-32, Gili Mandarwali, Paharganj, New Delhi be detained and kept in custody in the Central Jail Tihar, New Delhi with a view to preventing him from dealing in smuggling of goods otherwise than by engaging in transporting, concealing and keeping smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/109/93-Cus.VIII]

J. L. SAWHNEY, Under Secy.

आदेश

नई दिल्ली, 24 फरवरी, 1994

का.ग्रा. 664.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा. सं. 673/160/92-सी.शु.-8 दिनांक 5-11-1992 को यह निर्देश जारी किया था कि श्री कमल जैन सपुत्र श्री जीवनमल जैन 493 बी., जी.टी. रोड तीसरा तल्ल शिबपुर, हावड़ा (पश्चिम बंगाल) को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, प्रेसीडेन्सी जेल अलीपुर, कलकत्ता

में अभिरक्षा में रखा जाए ताकि उसे भविष्य में तस्करीत माल के परिवहन या छिपाने या रखने का काम करने से अथवा तस्करीत माल का व्यवहार करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, पश्चिम बंगाल, कलकत्ता के समक्ष हाजिर हो।

[फा. सं. 673/160/92-सी.शु.-8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 24th February, 1994

S.O. 684.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Preventing of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/160/92-Cus.VIII dated 5-11-1992 under the said sub-section directing that Shri Kamal Jain S/o Jiwan Mal Jain, 493/8, G.T. Road, 3rd Floor, Shibpur, Howrah be detained and kept in custody in the Presidency Jail, Alipore, Calcutta with a view to preventing him from dealing in smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, West Bengal, Calcutta within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/160/92-Cus.VIII]

ROOP CHAND, Under Secy.

(व्यव विभाग)

नई दिल्ली, 22 फरवरी, 1994

का.ग्रा. 685.—राष्ट्रपति, भारत के सचिवान के अनुच्छेद 77 के खंड (3) के अनुसरण में, वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम वित्तीय शक्तियों का प्रत्यायोजन (संशोधन) नियम, 1994 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 की अनुसूची 5 के उपबंध में क्रम सं. 26(क)(ii) के सामने विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

प्रकाशित किया गया था और बाद में उसका संशोधन निम्नलिखित द्वारा किया गया :—

(1)	(2)	(3)	(4)
(ii) कम्प्यूटर	1 लाख रु.	(1) केन्द्रीय सरकार के मंत्रालयों	
(जिसके अंतर्गत निजी कम्प्यूटर भी हैं।)		विभागों को कम्प्यूटर क्रय करने की पूर्ण शक्ति होगी।	
		(2) सक्षम प्राधिकारी कम्प्यूटर क्रय करने के लिए यह सुनिश्चित करेगा कि क्रय की जाने वाली पद्धति राष्ट्रीय सूचना केन्द्र की पद्धतियों के अनुरूप है जिससे कि उनकी पद्धतियों और राष्ट्रीय सूचना केन्द्र (मण्डल-करण और प्रक्रमण को जिसके अंतर्गत एन.आई.सी.एन.ई.टी. सरकार का कम्प्यूटर संसूचना नेटवर्क भी है) की पद्धतियों के बीच सूचना का अंतरण सुकर बनाया जा सके।	
		(3) ऊपर (1) में विनिर्दिष्ट क्रय देशों कम्प्यूटरों तक निर्बाधित होगा और राष्ट्रीय सूचना केन्द्र द्वारा इस निमित्त समय-समय पर जारी किए गए अनुदेशों के यदि कोई हों, अधीन रहते हुए होगा।	
		टिप्पण : जहाँ कोई प्राधिकारी कम्प्यूटरों की स्थल पर की अपेक्षाओं की स्वतंत्र जांच करना आवश्यक समझता है वहाँ ऐसी जांच राष्ट्रीय सूचना केन्द्र द्वारा कम्प्यूटर (कम्प्यूटरों) के मूल्य को ध्यान में लाए बिना की जाएगी।	

[फा. सं. 1(21)-ई. II(ए)/92]
अनुसूचा प्रसाद, अवर सचिव

टिप्पणी :—वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 अधिसूचना सं. का.आ. 2131 तारीख 22 जुलाई, 1978 द्वारा।

- (1) अधिसूचना सं. का.आ. 1887 तारीख 9-6-1979
- (2) अधिसूचना सं. का.आ. 2942, तारीख 1-9-1980
- (3) अधिसूचना सं. का.आ. 2811, तारीख 4-10-1980
- (4) अधिसूचना सं. का.आ. 2164, तारीख 15-8-1981
- (5) अधिसूचना सं. का.आ. 2304, तारीख 5-9-1981
- (6) अधिसूचना सं. का.आ. 3073, तारीख 4-9-1982
- (7) अधिसूचना सं. का.आ. 4171, तारीख 11-12-1982
- (8) अधिसूचना सं. का.आ. 1314, तारीख 26-2-1983
- (9) अधिसूचना सं. का.आ. 2502, तारीख 4-8-1984
- (10) अधिसूचना सं. का.आ. 22, तारीख 5-1-1985
- (11) शुद्धि अधिसूचना सं. का.आ. 1958, तारीख 11-5-1985
- (12) अधिसूचना सं. का.आ. 3082, तारीख 6-7-1985
- (13) अधिसूचना सं. का.आ. 3974, तारीख 24-8-1985
- (14) अधिसूचना सं. का.आ. 5641, तारीख 21-12-1985
- (15) अधिसूचना सं. का.आ. 1548, तारीख 19-4-1986
- (16) अधिसूचना सं. का.आ. 3183, तारीख 20-9-1986
- (17) अधिसूचना सं. का.आ. 3787, तारीख 8-11-1986
- (18) अधिसूचना सं. का.आ. 2508, तारीख 19-9-1987
- (19) अधिसूचना सं. का.आ. 3092, तारीख 7-11-1987
- (20) अधिसूचना सं. का.आ. 3581, तारीख 10-12-1988
- (21) अधिसूचना सं. का.आ. 641, तारीख 17-3-1990
- (22) अधिसूचना सं. का.आ. 1469, तारीख 26-5-1990
- (23) अधिसूचना सं. का.आ. 2173, तारीख 18-8-1990
- (24) अधिसूचना सं. का.आ. 3033, तारीख 7-11-1990
- (25) अधिसूचना सं. का.आ. 3414 तारीख 22-12-1990
- (26) अधिसूचना सं. का.आ. 534 तारीख 23-2-1991
- (27) अधिसूचना सं. का.आ. 2235, तारीख 24-8-1991
- (28) अधिसूचना सं. का.आ. 547 (ई) तारीख 24-7-1992
- (29) अधिसूचना सं. का.आ. 466, तारीख 13-1-1993
- (30) अधिसूचना सं. का.आ. 1292, तारीख 12-6-1993

(Department of Expenditure)

New Delhi, the 22nd February, 1994

S.O. 685, —In pursuance of clause (3) of Article 77 of the Constitution of India, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1978, namely :—

1. (1) These rules may be called the Delegation of Financial Powers (Amendment) Rules, 1994.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In Schedule V to the Delegation of Financial Powers Rules, 1978, in the Annexure, for the existing entries against Serial No. 26 (a) (ii), the following entries shall be substituted, namely :—

(1)	(2)	(3)	(4)
“(ii) Computers (including Personal Computers).	Rs. 1 lakh	(a) Ministries/Departments of the Central Government shall have full powers for purchase of computer(s)	

(1)

(2)

(3)

(4)

(2) The competent authority for the purchase of computers shall ensure that the system to be purchased is compatible with the systems of the National Informatics Centre (hereinafter referred to as NIC) so as to facilitate transfer, storage and processing of information between their systems and the NIC systems including NICNET, the computer communication network of the Government.

(3) The purchase referred to in (1) above shall be restricted to indigenous computers and shall be subject to the instruction if any, issued by the National Informatics Centre from time to time in this behalf.

NOTE : Where it is felt necessary by an authority to have an independent examination of the inhouse computers requirements, the same shall be done by the National Informatics Centre irrespective of the value of the computer(s)."

[F. No. 1(21)-E.II. (A) 92]

ANURADHA PRASAD, Under Secy.

NOTE : The Delegation of Financial Powers Rules, 1978 published vide Notification No. S.O. 2131, dated 22nd July, 1978 have subsequently been amended by:—

- (i) Notification No. SO. 1887, dated 9-6-1979.
- (ii) „ No. S.O. 2942, dated 1-9-1980.
- (iii) „ No. SO. 2611, dated 4-10-1980.
- (iv) „ No. SO, 2164, dated 15-8-1981.
- (v) „ No. SO, 2304, dated 5-9-1981.
- (vi) „ No. SO, 3073, dated 4-9-1982.
- (vii) „ No. SO, 4171, dated 11-12-1982.
- (viii) „ No. SO, 1314, dated 26-2-1983.
- (ix) „ No. SO, 2502, dated 4-8-1984.
- (x) „ No. SO, 22, dated 5-1-1985.
- (xi) Corrigendum No. SO, 1958, dated 11-5-1985.
- (xii) Notification No. SO, 3082, dated 6-7-1985.
- (xiii) „ No. SO, 3974, dated 24-8-1985.
- (xiv) „ No. SO, 5641, dated 21-12-1985.
- (xv) „ No. SO, 1548, dated 19-4-1986.
- (xvi) „ No. SO, 3183, dated 20-9-1986.
- (xvii) „ No. SO, 3787, dated 8-11-1986.
- (xviii) „ No. SO, 2508, dated 19-9-1987.
- (xix) „ No. SO, 3092, dated 7-11-1987.

- (xx) Notification No. SO. 3581, dated 10-12-1988.
- (xxi) „ No. SO. 641, dated 17-3-1990.
- (xxii) „ No. SO. 1469, dated 26-5-1990.
- (xxiii) „ No. SO. 2173, dated 18-8-1990.
- (xxiv) „ No. SO. 3033, dated 17-11-1990.
- (xxv) „ No. SO. 3414, dated 22-12-1990.
- (xxvi) „ No. SO. 534, dated 23-2-1991.
- (xxvii) „ No. SO. 2235, dated 24-8-1991.
- (xxviii) „ No. SO. 547(E) dated 24-7-1992.
- (xxix) „ No. SO. 466, dated 13-3-1993.
- (xxx) „ No. SO. 1292, dated 12-6-1993.

(आर्थिक कार्य विभाग)

नई दिल्ली, 10 फरवरी, 1994

का.आ. 686 —केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम-10 के उप नियम (1) के अनुसरण में (वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय जीवन बीमा निगम के निम्न-लिखित कार्यालयों को, जिनके 80 प्रतिशत में अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

भारतीय जीवन बीमा निगम :

1. सक्षम क्षेत्रीय कार्यालय, भोपाल
2. मण्डल कार्यालय, खालियर
3. शाखा कार्यालय क्र. 1, खालियर
4. शाखा कार्यालय क्र. 2, खालियर
5. शाखा कार्यालय क्र. 3, खालियर
6. शाखा कार्यालय, क्र. 4, खालियर
7. कैरियर एजेंट शाखा, खालियर
8. शाखा कार्यालय, मोगरा
9. शाखा कार्यालय, अमृतसर
10. शाखा कार्यालय, भिण्ड
11. शाखा कार्यालय, डबरा
12. शाखा कार्यालय, बलिया
13. शाखा कार्यालय, रोहट
14. शाखा कार्यालय, गुना
15. शाखा कार्यालय, मुरैना
16. शाखा कार्यालय, शिवपुरवर्मा
17. शाखा कार्यालय, शिवपुरी
18. मण्डल कार्यालय, भोपाल
19. शाखा कार्यालय, क्र. 1, भोपाल
20. शाखा कार्यालय, क्र. 2, भोपाल
21. शाखा कार्यालय, क्र. 3, भोपाल
22. शाखा कार्यालय क्र. 4, भोपाल
23. कैरियर एजेंट शाखा, भोपाल
24. शाखा कार्यालय, गेल, भोपाल
25. शाखा कार्यालय, बैरागढ़, भोपाल
26. पेंशन एवं समूह बीमा योजना, भोपाल
27. शाखा कार्यालय, इटारसी
28. शाखा कार्यालय, विदिशा
29. शाखा कार्यालय, गंजदामौदा
30. शाखा कार्यालय, माहोर
31. शाखा कार्यालय, रायसेन
32. शाखा कार्यालय, बरेली
33. शाखा कार्यालय, मुन्नापुर
34. शाखा कार्यालय, पिपरिया
35. शाखा कार्यालय, नाजापुर
36. शाखा कार्यालय, व्यादरा
37. शाखा कार्यालय, हरदा
38. मण्डल कार्यालय, गढ़दोल
39. शाखा कार्यालय, शहडोल
40. शाखा कार्यालय, अजिमेपुर
41. शाखा कार्यालय, महेन्द्रगढ़
42. शाखा कार्यालय, मोधी
43. शाखा कार्यालय, कोणमा
44. शाखा कार्यालय, बुढा
45. शाखा कार्यालय, दैहूत
46. शाखा कार्यालय, उमरिया
47. शाखा कार्यालय, चिरमिया
48. शाखा कार्यालय, ब्योहारी
49. कैरियर एजेंट शाखा, गढ़दोल
50. मण्डल कार्यालय, सतना
51. शाखा कार्यालय क्र. 1 सतना
52. शाखा कार्यालय क्र. 2, सतना
53. कैरियर एजेंट शाखा, सतना
54. शाखा कार्यालय, छतरपुर
55. शाखा कार्यालय, पन्ना
56. शाखा कार्यालय, रीवा-1, रीवा
57. शाखा कार्यालय, रीवा-2, रीवा
58. शाखा कार्यालय, टीकमगढ़
59. शाखा कार्यालय, अमरगढाटन

[सं. 13011/1/92-हि.का.क.]

सुधीर कुमार वर्मा, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 10th February, 1994

S.O. 686.—In pursuance of Sub-Rules (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the Life Insurance Corporation of India (Under the Administrative control of Ministry of Finance, Department of Economic Affairs) whereof more than 80 per cent of staff have acquired working knowledge of Hindi.

1. Central Regional Office, Bhopal
2. Divisional Office, Gwalior
3. Branch Office, Sl. No. 1 Gwalior
4. Branch Office, Sl. No. 2, Gwalior
5. Branch Office, Sl. No. 3, Gwalior
6. Branch Office, Sl. No. 4, Gwalior
7. Carrier Agents Branch, Gwalior
8. Branch Office, Morar
9. Branch Office, Ashok Nagar
10. Branch Office, Bhind
11. Branch Office, Dabra
12. Branch Office, Datiya
13. Branch Office, Gohad
14. Branch Office, Guna
15. Branch Office, Muraina
16. Branch Office, Shivpurkhan
17. Branch Office, Shivpuri
18. Divisional Office, Bhopal
19. Branch Office, Sl. No. 1, Bhopal
20. Branch Office, Sl. No. 2, Bhopal
21. Branch Office, Sl. No. 3, Bhopal
22. Branch Office, Sl. No. 4, Bhopal
23. Carrier Agent Branch, Bhopal
24. Branch Office, Bhel, Bhopal
25. Branch Office, Bairagarh, Bhopal
26. Pension and Group Insurance Scheme, Bhopal
27. Branch Office, Itarsi
28. Branch Office, Vidisha
29. Branch Office, Ganjbasanda
30. Branch Office, Seehor
31. Branch Office, Raisen
32. Branch Office, Bareilly
33. Branch Office, Shujalpur
34. Branch Office, Pipria
35. Branch Office, Shajapur
36. Branch Office, Byavra
37. Branch Office, Harda
38. Divisional Office, Shehdol
39. Branch Office, Shehdol
40. Branch Office, Ambikapur
41. Branch Office, Mahindergarh
42. Branch Office, Seedhi
43. Branch Office, Kotma
44. Branch Office, Budar
45. Branch Office, Waidon
46. Branch Office, Umariya
47. Branch Office, Chirmery
48. Branch Office, Byohari

49. Cardie Agent Branch, Shehdol
50. Divisional Office, Satna
51. Branch Office, Sl. No. 1, Satna
52. Branch Office, Sl. No. 2, Satna
53. Carrier Agent Branch, Satna
54. Branch Office, Chhatarpur
55. Branch Office, Panna
56. Branch Office 1, Reevea
57. Branch Office 2, Reevea
58. Branch Office, Teekamgarh
59. Branch Office, Amarpatan.

[No. 13011/1/92-IIIC]

SUDHEER KUMAR VERMA, Under Secy.

नई दिल्ली, 10 फरवरी, 1994

का.आ. 687.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में (वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय साधारण बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारिवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

कम्पनी का नाम

नेशनल इश्योरेंस कं. लि.

मण्डल कार्यालय-6, दिल्ली।

[सं. 13011/1/92-हि.का.क]

गुधीर कुमार वर्मा, अवसर सचिव

New Delhi, the 10th February, 1994

S.O. 687.—In pursuance of Sub-Rules (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Administrative control of Ministry of Finance, Department of Economic Affairs) whereof more than 80 per cent of staff have acquired working knowledge of Hindi.

Name of the Company National Insurance Co. Ltd.,

1. Divisional Office-6, Delhi.

[No. 13011/1/92-HIC]

SUDHEER KUMAR VERMA, Under Secy.

नई दिल्ली, 10 फरवरी, 1994

का.आ. 688.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम-10 के उप नियम (4) के अनुसरण में (वित्त मंत्रालय आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय साधारण बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारिवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

कम्पनी का नाम

नेशनल इश्योरेंस कं. लि.

1. शाखा कार्यालय-3, ग्वालियर
2. शाखा कार्यालय, मलाजखण्ड
3. शाखा कार्यालय-3, भोपाल

[सं. 13011/1/92-हि.का.क.]

सुधीर कुमार वर्मा, अवर सचिव

New Delhi, the 10th February, 1994

S.O. 688.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Administrative control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

Name of the Company : National Insurance Co. Ltd.,

1. Branch Office-3, Gwalior
2. Branch Office, Melajkhanda
3. Branch Office-3, Bhopal.

[No. 13011/1/92-HIC]

SUDHEER KUMAR VERMA, Under Secy.

नई दिल्ली, 10 फरवरी, 1994

का.आ. 689.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम-10 के उप नियम (4) के अनुसरण में (वित्त मंत्रालय आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय साधारण बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारिवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

कम्पनी का नाम

न्यू इंडिया इश्योरेंस कं. लि.

1. शाखा कार्यालय, पंढरपुर
2. शाखा कार्यालय, उस्मानाबाद
3. शाखा कार्यालय नं.मं.ई., अहमदाबाद-210100
4. सिटी शाखा कार्यालय, अहमदाबाद
5. शाखा कार्यालय नं.मं.ई., अहमदाबाद-210400
6. शाखा कार्यालय नं.मं.ई., अहमदाबाद-212300
7. शाखा कार्यालय, मेहसाणा
8. शाखा कार्यालय, पाटण
9. मं.का., गांधीधाम
10. मं.का., भावनगर
11. शाखा कार्यालय, अमरेली
12. शाखा कार्यालय, बल्लोद
13. शाखा कार्यालय, डीसा
14. शाखा कार्यालय, विसनगर
15. शाखा कार्यालय, साणद

16. सिटी शाखा कार्यालय, अहमदाबाद

17. मं.का., होशियारपुर

18. मं.का., शिमला

19. मं.का., 11, चण्डीगढ़

20. मं.का., भटिंडा

21. मं.का., पठानकोट

22. शा.का., नवाशहर

[सं. 13011/1/92-हि.का.क.]

सुधीर कुमार वर्मा, अवर सचिव

New Deuhi, the 10th February, 1994

S.O. 689.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Administrative Control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

Name of the Company : New India Assurance Co. Ltd.,

1. Branch Office, Pandarpur
2. Branch Office, Usmanabad
3. Branch Office, N.M.E. Ahmedabad Code 210100
4. City Branch Office, Ahmedabad
5. Branch Office N.M.E., Ahmedabad Code 210400
6. Branch Office, N.M.E., Ahmedabad Code 212300
7. Branch Office, Mehsana
8. Branch Office, Patan
9. Divisional Office, Gandhidham
10. Divisional Office, Bhavnagar
11. Branch Office, Amreli
12. Branch Office, Talod
13. Branch Office, Disa
14. Branch Office, Visnagar
15. Branch Office, Sanad
16. City Branch Office, Ahmedabad Code 210102
17. Divisional Office, Hoshiarpur
18. Divisional Office, Shimla
19. Divisional Office-II, Chandigarh
20. Divisional Office, Bhatinda
21. Divisional Office, Pathankot
22. Branch Office, Navashahar.

[No. 13011/1/92-HIC]

SUDHEER KUMAR VERMA, Under Secy.

नई दिल्ली, 10 फरवरी, 1994

का.आ. 690.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम-10 के उप नियम (4) के अनुसरण में (वित्त मंत्रालय आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय साधारण बीमा निगम के निम्नलिखित कार्यालयों को, जिनके

80 प्रतिशत से अधिक कर्मचारिवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करनी है :

कम्पनी का नाम :

युनाइटेड इन्सुरा इन्श्योरेंस कं. लि.

1. मंडलीय कार्यालय, नादियार (गुजरात)
2. शाखा कार्यालय, कपडवज (गुजरात)
3. शहर शाखा कार्यालय, सुरत (गुजरात)
4. शाखा कार्यालय, नवसारी, गुजरात
5. मंडल कार्यालय, गोधरा, गुजरात

[सं. 13011/1/92-हि.का.क.]

सुधीर कुमार वर्मा, अवर सचिव

(बैंकिंग प्रभाग)

नई दिल्ली, 18 फरवरी, 1994

का.आ. 690.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (छ) के अनुसरण में केन्द्रीय सरकार, एतद्वारा नीचे दी गयी सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (3) में निर्दिष्ट राष्ट्रीयकृत बैंकों का निदेशक नियुक्त करती है :—

सारणी

1	2	3
इलाहाबाद बैंक	श्री के. जे. हेगड़े प्रबंधक, भारतीय रिजर्व बैंक, कलकत्ता।	श्री एस. गुरुमूर्ति
केनरा बैंक	श्री खिजर ग्रहमव, अपर मुख्य अधिकारी, आई ई सी डी, भारतीय रिजर्व बैंक, बम्बई।	श्री ए.एम.एम. शर्मा
सेन्ट्रल बैंक ऑफ़ इंडिया	श्री ए. चन्द्रमोलीस्वरन, संयुक्त नियंत्रक, ई सी डी, भारतीय रिजर्व बैंक, बम्बई।	श्री एस. के. कपूर
इंडियन बैंक	श्री एस. ए. हुसैन, प्रबंधक, भारतीय रिजर्व बैंक, मद्रास।	श्री डी.एस. रामचन्द्र राजू
पंजाब नेशनल बैंक	श्री एस.एम. ताकी हुसैनी, प्रबंध भारतीय रिजर्व बैंक, नई दिल्ली।	श्री आर. वेंकटेशन
सिडिको बैंक	श्री पी. गोविन्दराजन, प्रबंधक, भारतीय रिजर्व बैंक, बंगलौर।	श्री एस. जे. ठाकर
यूनियन बैंक ऑफ़ इंडिया	श्री एस. के. गुप्ता, संयुक्त मुख्य अधिकारी, आर पी सी डी, भारतीय रिजर्व बैंक, बम्बई।	श्री आर. के. जालान

[सं. 9/4/93-वी.ओ. 1(1)]

एम.एस. सीतारामन, अवर सचिव

New Delhi, the 10th February, 1994

NOTIFICATION

S.O. 690.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Administrative control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

Name of the Company : United Insurance Co. Ltd.,

1. Divisional Officer, Nadiyar (Gujarat)
2. Branch Office, Kapadvanj (Gujarat)
3. City Branch Office, Surat (Gujarat)
4. Branch Office, Navsari, Gujarat
5. Divisional Office, Godhra (Gujarat)

[No. 13011/1/92-HIC]

SUDHEER KUMAR VERMA, Under Secy.

(Banking Division)

New Delhi, the 18th February, 1994

S. O. 691.—In pursuance of Sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1), thereof in place of the persons specified in column (3) of the said Table.

TABLE

1	2	3
Allahabad Bank	Sh. K.J. Hedge, Manager, Reserve Bank of India, Calcutta.	Sh. S. Gurumurthy
Canara Bank	Sh. Khizar Ahmad, Addl. Chief Officer, IECD, Reserve Bank of India, Bombay.	Sh. A.M.M. Sarma
Central Bank of India	Sh. A. Chandramouliswaran Joint Controller, ECD, Reserve Bank of India, Bombay.	Sh. S.K. Kapur
Indian Bank	Sh. S.A. Hussain, Manager, Reserve Bank of India, Madras.	Sh. D.S. Ramachandra Raju
Punjab National Bank	Sh. S.M. Taqi Husaini Manager, Reserve Bank of India, New Delhi.	Sh. R. Venkatesan
Syndicate Bank	Sh. P. Govindarajan, Manager, Reserve Bank of India, Bangalore.	Sh. S.J. Thakur
Union Bank of India	Sh. S.K. Gupta, Joint Chief Officer, RPCD, Reserve Bank of India, Bombay.	SH. R.K. Jalan

[F. No. 9/4/93—B.O.I.(i)]

M.S. SHEETHARAMAN, Under Secy.

नई दिल्ली, 18 फरवरी, 1994

का.बा. 692.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 खण्ड 3 के उपखण्ड (छ) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा नीचे दी गयी सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों का निदेशक नियुक्त करती है:—

सारणी

1	2	3
ग्रान्धा बैंक	श्री डी. एस. रामचन्द्र राजू, मुख्य निरीक्षक, निरीक्षण विभाग, भारतीय रिजर्व बैंक, बम्बई।	श्री एन. हरिरामानी

1	2	3
ओरियंटल बैंक आफ कामर्स	श्री वाई. एम. पी. धोरट, संयुक्त मुख्य अधिकारी, आर पी सी डी, केन्द्रीय कार्यालय, बम्बई।	श्री बी. के. पाल
विजया बैंक	श्री पी. के. विश्वास, संयुक्त मुख्य अधिकारी, भारतीय रिजर्व बैंक, आई. ई. सी. डी., बम्बई।	श्री वा. रंगाराजन

[संख्या 9/4/93-बी.ओ.-1 (ii)]
एम. एस. सीतारामन, अवर सचिव

New Delhi, the 18th February, 1994

S. O. 692.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table.

TABLE

1	2	3
Andhra Bank	Sh. D.S. Ramachandra Raju, Chief Inspector, Inspection Department, Reserve Bank of India, Bombay.	Sh. N. Hariramani
Oriental Bank of Commerce	Sh. Y.S.P. Thorat, Joint Chief Officer, RPCD, Central Office, Bombay.	Sh. B.K. Pal
Vijaya Bank	Sh. P.K. Biswas, Joint Chief Officer, Reserve Bank of India, I.E.C.D., Bombay.	Sh. V. Rangarajan

[F. No. 9/4/93—B.O.I. (ii)]

M.S. SEETHARAMAN, Under Secy.

नई दिल्ली, 21 फरवरी, 1994

का.आ. 693—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखंड (छ) के अनुसरण में केन्द्रीय सरकार, एतद्वारा श्री जे. गोस्वामी, मुख्य अधिकारी, वित्तीय कंपनी विभाग, भारतीय रिजर्व बैंक, कलकत्ता को श्री बी. एन. विश्वास के स्थान पर यूनाइटेड बैंक आफ इंडिया के निदेशक के रूप में नियुक्त करती है।

[एफ.सं. 9/4/93-बी.ओ.-1]

एम.एस. सीतारामन, अवर सचिव

New Delhi, the 21st February, 1994

S.O. 693.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri J. Goswami, Chief Officer, Department of Financial Companies, Reserve Bank of India, Calcutta as a Director of United Bank of India vice Shri B. N. Biswas.

[F. No. 9/4/93-BO-1]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 22 फरवरी, 1994

का.आ. 694—यतः बैंकारी विनियमन अधिनियम, 1949 की धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करने

हुए तथा उसके अनुसार केन्द्रीय सरकार ने नेशनल बैंक आफ लाहौर लि., दिल्ली का भारतीय स्टेट बैंक के साथ विलय के लिये 20 फरवरी, 1970 को एक योजना मंजूर की थी।

यतः उक्त योजना के खण्ड 6 के उपखंड (ix) के अधीन भारतीय स्टेट बैंक द्वारा नेशनल बैंक आफ लाहौर लि., दिल्ली की परिसंपत्तियों का, जिनकी नियत तारीख को अन्तिम रूप से मूल्यांकित कर लिया गया है, अन्तिम रूप में मूल्यांकन नियत तारीख से बारह वर्षों की समाप्ति पर अर्पणित था।

यतः भारतीय स्टेट बैंक ने यह प्रस्तावित किया है कि बड़ी संख्या में परिसंपत्तियां अन्तर्ग्रस्त होने और बैंक के प्रयासों के बावजूद अधिकांश मदों की वसूलियां अभी बाकी होने के कारण बैंक, विलय योजना के खण्ड 6 के उपखंड (ix) में विनिर्दिष्ट समय के भीतर परिसंपत्तियों का अन्तिम रूप से मूल्यांकन करने में असमर्थ रहा है।

और यतः केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के बाद इस बात में संतुष्ट है कि विलय योजना को लागू करने में कठिनाई पैदा हो गई है और उतना समय बढ़ाकर जितने में परिसंपत्तियों का अन्तिम रूप से मूल्यांकन अर्पणित है, उक्त कठिनाई को दूर करना जरूरी है।

अतः अब नेशनल बैंक आफ लाहौर लि., दिल्ली के भारतीय स्टेट बैंक के साथ विलय की 20 फरवरी, 1970 की विलय योजना के खण्ड 21 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निदेश देती है कि भारतीय स्टेट बैंक, भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से नेशनल बैंक आफ लाहौर लि., दिल्ली की उन परिसंपत्तियों का, जिनकी वसूली और मूल्यांकन नहीं हुआ है, नियत तारीख से पच्चीस वर्षों की अवधि के भीतर मूल्यांकन कर लेगा।

[संख्या 17/6/82-बी ओ.-III]

के.के. मंगल, अवर सचिव

मुख्य आयकर आयुक्त-III, कलकत्ता का कार्यालय

कलकत्ता, 24 दिसम्बर, 1993

सं 12/93-94

का.आ. 695.—आयकर आयुक्त, पश्चिम बंगाल-6, कलकत्ता के क्षेत्राधिकार के अंतर्गत आयकर उपायुक्त रेंज-5, कलकत्ता के रेंज में निम्नलिखित आयकर अधिकारी का प्रभार 30 दिसम्बर, 1993 से एतद्वारा समाप्त किया जाता है।

क्र.सं.	प्रभार का नाम	आ.उपा. के अधीन	आ.आ., पं.बं. का क्षेत्राधिकार
1.	आयकर अधिकारी वार्ड 5(17), कलकत्ता।	रेंज-5 कलकत्ता	पश्चिम बंगाल-6
2.	और निम्नलिखित नया प्रभार आयकर आयुक्त, पश्चिम बंगाल-II, कलकत्ता के क्षेत्राधिकार के अन्तर्गत आ.उपा. आसनसोल रेंज के प्रभार में आयकर अधिकारी वार्ड-2 बांकुड़ा के नाम से 30 दिसम्बर, 1993 से, बांकुड़ा मुख्यालय में सूजित किया जाता है।		
3.	आयकर आयुक्त, पश्चिम बंगाल-II, कलकत्ता के क्षेत्राधिकार के अन्तर्गत आ. उपायुक्त आसनसोल रेंज के अधीन आयकर अधिकारी बांकुड़ा का वर्तमान प्रभार 30 दिसम्बर, 1993 के आयकर अधिकारी वार्ड-1, बांकुड़ा के नये नाम से जता जायेगा।		

[सं. स. एमी/एज क्यू/योजना 10/93-94/9961-10660]

एच.एन. कुण्डू, मुख्य आयकर आयुक्त-III

Banking Division
New Delhi, the 22nd February, 1994
NOTIFICATION

S.O. 694.—Whereas on 20th February, 1970, a scheme of amalgamation of the National Bank of Lahore Ltd., Delhi, with the State Bank of India, was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Section 45 of the Banking Regulation Act, 1949;

Whereas under sub-clause (ix) of Clause 6 of the said Scheme, the State Bank of India was required to make a final valuation of the assets of the National Bank of Lahore Ltd., Delhi, which have been provisionally valued on the prescribed date, on the expiry of twelve years from the prescribed date;

Whereas the State Bank of India has represented that in view of the large number of assets involved and the recovery of most of the items yet to be realised in spite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of Clause 6 of the Scheme of amalgamation;

And whereas the Central Government, in consultation with the Reserve Bank of India, is satisfied that a difficulty has arisen in giving effect to the scheme of amalgamation which, it is necessary to remove by extending the time within which the final valuation of assets is required to be made.

Now, therefore, in exercise of the powers conferred by clause 21 of the scheme of amalgamation dated 20-2-1970 of the National Bank of Lahore Ltd., Delhi, with the State Bank of India, the Central Government hereby directs that the Bank of India shall, in consultation with and with the approval of the Reserve Bank of India, value the assets of the National Bank of Lahore Ltd., Delhi, which have not been realised and valued, within a period of twenty five years from the prescribed date.

[No. 17/6/82-B.O. III]

K. K. MANGAL, Under Secy.

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX-III CALCUTTA

Calcutta, the 24th December, 1993

No. 12/93-94

S.O. 695.—The following charge of the Income-tax Officer in the Range of Deputy Commissioner of Income-tax Range-5, Calcutta within the jurisdiction of the Commissioner of Income-tax, West Bengal-VI, Calcutta, is hereby abolished with effect from 30th December, 1993.

Sl. No.	Name of the Charge	Under Deputy Commissioner of Income-tax	Jurisdiction of Commissioner of Income-tax, West Bengal.
1.	Income-tax Officer, Ward 5(17), Calcutta.	Range-5, Calcutta.	West Bengal-VI, Calcutta.

2. Further, the following new charge to be known as:

Income-tax Officer, Ward-2, Bankura, in the Charge of Deputy Commissioner of Income-tax, Asansol Range, within the jurisdiction of Commissioner of Income-tax, West Bengal-XI, Calcutta, is created with effect from the 30th December, 1993, with its Headquarters at Bankura.

3. The existing charge of "Income-tax Officer, Bankura," under Deputy Commissioner of Income-tax, Asansol Range, within the jurisdiction of the Commissioner of Income-tax, West Bengal-XI, Calcutta, be renamed as "Income-tax Officer, Ward-1, Bankura" with effect from 30th December, 1993.

[No. AC/HQ/PLANNING/10/93-94/9961-106660]

H.N. KUNDU, Chief Commissioner of Income Tax-III

कोयला मंत्रालय

नई दिल्ली, 8 फरवरी, 1994

का.आ. 696.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की वैधता) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे सारणी के स्तम्भ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है और उक्त अधिकारी अपनी-अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त सारणी के स्तम्भ (2) की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों की बाबत उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का नाम	सरकारी स्थानों का प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
यमुना-कोतमा क्षेत्र	यमुना विद्युत खान और हरद आनति के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
1. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., यमुना विद्युत खान, रेलवे स्टेशन, कोतमा, दक्षिण पूर्व रेल, डाकघर-यमुना कोयला खान, जिला शहडोल (म.प्र.)	
2. उप महाप्रबंधक/उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., कोतमा पुनर्गठन रेलवे स्टेशन, कोतमा, दक्षिण पूर्व रेल, डाकघर-कोतमा कोयला खान जिला शहडोल (मध्य प्रदेश)।	कोतमा पश्चिम कोयला खान, कोतमा कोयला खान, यमुना 3/4 और 7/8 आनति के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन, आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

1	2	3
3. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., गोविन्दा उप क्षेत्र, रेलवे स्टेशन, कोतमा, दक्षिण पूर्व रेल, डाकघर कोतमा कोयला खान, जिला शहडोल, (मध्य प्रदेश)।		गोविन्दा कोयला खान, मीरा आनति के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
4. उप क्षेत्रीय प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., भद्रा कोयला खान, रेलवे स्टेशन कोतमा, दक्षिण पूर्व रेल, डाकघर कोतमा, जिला शहडोल, (मध्य प्रदेश)।		भद्रा कोयला खान के सभी परिसर तथा साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
5. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., यमुना, भूलल पुनर्गठन, रेल स्टेशन कोतमा, दक्षिण पूर्व रेल, डाकघर यमुना कोयला खान, जिला शहडोल, (मध्य प्रदेश)।		यमुना 1/2 आनति, 9/10 आनति 11/12 आनति के सभी परिसर तथा यमुना कोयला उठाई धाराई संयंत्र के सभी भंडार, कर्मशाला महाप्रबंधक कम्पलेक्स, साउथ ईस्टर्न को. लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

जोहिला क्षेत्र

- उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, नौरोजाबाद समूह/उप क्षेत्र रेलवे स्टेशन नौरोजाबाद, दक्षिण पूर्व रेल, डाकघर नौरोजाबाद, जिला शहडोल, (मध्य प्रदेश)।
- उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, बिरसिहपुर पाली समूह/उप क्षेत्र, रेलवे स्टेशन, बिरसिहपुर, दक्षिण पूर्व रेल, डाकघर बिरसिहपुर, जिला शहडोल (मध्य प्रदेश)।
- उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, पिनौरा और विन्ध्या समूह/उप क्षेत्र रेलवे स्टेशन, नौरोजाबाद, दक्षिण पूर्व रेल, डाकघर नौरोजाबाद, जिला शहडोल (मध्य प्रदेश)।
- उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., उमरिया समूह/उप क्षेत्र, रेलवे स्टेशन उमरिया, दक्षिण पूर्व रेल, डाकघर उमरिया, जिला शहडोल, (मध्य प्रदेश)।

मोहागपुर क्षेत्र

- उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., बुरहार समूह/उप क्षेत्र, रेलवे स्टेशन अमलाई, दक्षिण पूर्व रेल, डाकघर धनपुरी कोयला खान, जिला शहडोल, मध्य प्रदेश।
- उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, चचाई रंगटा समूह/उप क्षेत्र, रेलवे स्टेशन अमलाई, दक्षिण पूर्व रेल, डाकघर अमलाई, कोयला खान, जिला शहडोल, (मध्य प्रदेश)।

बुरहार नं. 1 खान, जिसमें ओरिमेंट पेपर मिल आनति भी है, बुरहार नं. 3, धनपुरी भूमिगत खान, सुभाष भूमिगत खान, महाप्रबंधक कम्पलेक्स, केन्द्रीय भण्डार क्षेत्रीय कर्मशाला भी सम्मिलित हैं, के सभी परिसर तथा साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

चचाई भूमिगत खान, विवेक नगर आनति, रंगटा कोयला खान के सभी परिसर तथा साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

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3. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., अमलाई बंगवार समूह/उप क्षेत्र, रेलवे स्टेशन अमलाई, दक्षिण पूर्व रेल, डाकघर अमलाई कोयला खान, जिला शहडोल (मध्य प्रदेश)।		अमलाई कोयला खान, बंगवार भूमिगत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर-आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
4. उप महाप्रबंधक/उप-क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि., धनपुरी विद्युत उप क्षेत्र/समूह, रेलवे स्टेशन-अमलाई, दक्षिण पूर्व रेल, डाकघर अमलाई कोयला खान, उप डाकघर संजय कोयला नगर, जिला शहडोल, (मध्य प्रदेश)।		धनपुरी विद्युत खान, शारदा विद्युत खान, और बटुरा ब्लॉक के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
5. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., नवगांव राजेन्द्र समूह/उप क्षेत्र, रेलवे स्टेशन बुरहार, दक्षिण पूर्व रेल, उप डाकघर खैराहा, जिला शहडोल, (मध्य प्रदेश)।		नवगांव भूमिगत परियोजना, राजेन्द्र भूमिगत परियोजना, करकटी ब्लॉक के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
6. उप मुख्य चिकित्सा अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., क्षेत्रीय अस्पताल, रेलवे स्टेशन अमलाई, दक्षिण पूर्व रेल, डाकघर धनपुरी कोयला खान, जिला शहडोल (मध्य प्रदेश)।		क्षेत्रीय अस्पताल के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

हसदेब क्षेत्र :

1. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., झगराखंड समूह/उप क्षेत्र, रेलवे स्टेशन मनेन्द्रनर, दक्षिण रेल, डाकघर साउथ झगराखंड कोयला खान, जिला मरगुजा (मध्य प्रदेश)।		दक्षिण झगराखंड कोयला खान, पश्चिम झगराखंड कोयला खान, उत्तर झगराखंड कोयला खान, बी-सीम खान, महाप्रबंधक कॉम्प्लेक्स के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
2. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., रामनगर समूह/उप क्षेत्र, रेलवे स्टेशन बिजुरी दक्षिण पूर्व रेल, डाकघर क्षीमर कोयला खान, जिला शहडोल, (मध्य प्रदेश)।		रामनगर कोयला खान (भलगा आनति सहित) पुरानी क्षीमर कोयला खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
3. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., राजनगर भूमिगत समूह/उप क्षेत्र, रेलवे स्टेशन बिजुरी, दक्षिण पूर्व रेल, डाकघर राजनगर कोयला खान, जिला शहडोल (मध्य प्रदेश)।		राजनगर कोयला खान, न्यू राजनगर कोयला खान, राजनगर 7, और 8 आनति के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
4. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., राजनगर विद्युत समूह/उप क्षेत्र, रेलवे स्टेशन बिजुरी, दक्षिण पूर्व रेल, डाकघर राजनगर कोयला खान, जिला शहडोल (मध्य प्रदेश)।		राजनगर विद्युत खान, डोला विद्युत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
5. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., बिजुरी समूह/उप क्षेत्र, रेलवे स्टेशन बिजुरी, दक्षिण पूर्व रेल, डाकघर बिजुरी, जिला शहडोल (मध्य प्रदेश)।		बिजुरी कोयला खान, बेहराबंद आरंभिक खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उनके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

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| 6. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., कुर्जा समूह/उप क्षेत्र, रेलवे स्टेशन बिजुरी, दक्षिण पूर्व रेल, डाकघर बिजुरी, जिला गृहडोल (मध्य प्रदेश) | कुर्जा भूमिगत खान अमृतधारा, कपिलधारा झीरिया और शीतलधारा भूमिगत खानों के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। | |
| 7. उप मुख्य चिकित्सा अधिकारी/चिकित्सा अधीक्षक, साउथ ईस्टर्न कोलफील्ड्स लि., केन्द्रीय/क्षेत्रीय अस्पताल, रेलवे स्टेशन-मनेन्द्रगढ़, दक्षिण पूर्व रेल, डाकघर मनेन्द्रगढ़, जिला सूरगुजा (मध्य प्रदेश) | केन्द्रीय/क्षेत्रीय अस्पताल के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन उसके आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। | |

चिरिमिरी क्षेत्र

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| 1. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., कुरसिया समूह/उप क्षेत्र, रेलवे स्टेशन चिरिमिरी, दक्षिण पूर्व रेल, डाकघर कुरसिया कोयला खान, जिला सरगुजा (मध्य प्रदेश) | कुरसिया भूमिगत खान, कुरसिया विद्युत खान, सोनावानी भूमिगत खान के सभी परिसर साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। |
| 2. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., चिरिमिरी समूह/उप क्षेत्र, रेलवे स्टेशन-चिरिमिरी, दक्षिण पूर्व रेल, डाकघर चिरिमिरी, जिला सरगुजा (मध्य प्रदेश) | चिरिमिरी भूमिगत खान, चिरिमिरी विद्युत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। |
| 3. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., डूमन हिल समूह/उप क्षेत्र, रेलवे स्टेशन-चिरिमिरी, दक्षिण पूर्व रेल, डाकघर सोनावानी, जिला सरगुजा (मध्य प्रदेश) | डूमन हिल भूमिगत खान, डूमन हिल विद्युत खान, उत्तर चिरिमिरी कोयला खान के सभी परिसर साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। |
| 4. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., न्यू चिरिमिरी, पोंडरी हिल कोयला खान, रेलवे स्टेशन-चिरिमिरी, दक्षिण पूर्व रेल, डाकघर-हल्दीबाड़ी, जिला सरगुजा (मध्य प्रदेश) | न्यू चिरिमिरी पोंडरी हिल कोयला खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। |
| 5. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., पश्चिम चिरिमिरी कोयला खान, रेलवे स्टेशन-चिरिमिरी, दक्षिण पूर्व रेल, डाकघर पश्चिम चिरिमिरी कोयला खान, जिला-सरगुजा (मध्य प्रदेश) | पश्चिम चिरिमिरी कोयला खान, महा प्रबंधक कॉम्प्लेक्स के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। |
| 6. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि., कोरिया समूह/उप क्षेत्र, रेलवे स्टेशन-चिरिमिरी, दक्षिण पूर्व रेल, डाकघर-कोरिया कोयला खान, जिला-सरगुजा (मध्य प्रदेश) | कोरिया भूमिगत खान, कोयला विद्युत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि., बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर। |

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बिसरामपुर क्षेत्र

1. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, बिसरामपुर समूह/उप क्षेत्र, रेलवे स्टेशन-बिसरामपुर, दक्षिण पूर्व रेल, डाकघर-बिसरामपुर कोयला खान, जिला-सरगुजा (मध्य प्रदेश)
2. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, जयनगर समूह/उप क्षेत्र, रेलवे स्टेशन-बिसरामपुर, दक्षिण पूर्व रेल, डाकघर-बिसरामपुर कोयला खान जिला-सरगुजा (मध्य प्रदेश)
3. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, कुमदा समूह/उप क्षेत्र, रेलवे स्टेशन-बिसरामपुर, दक्षिण पूर्व रेल, डाकघर-बिसरामपुर कोयला खान, जिला-सरगुजा (मध्य प्रदेश)
4. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, भटगांव समूह/उप क्षेत्र, रेलवे स्टेशन-करंजी, दक्षिण पूर्व रेल, डाकघर-भटगांव कोयला खान, जिला-सरगुजा (मध्य प्रदेश)

बैकुण्ठपुर क्षेत्र

1. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, कटकोना समूह/उप क्षेत्र, रेलवे स्टेशन-कटकोना, दक्षिण पूर्व रेल, डाकघर-पटना, जिला-सरगुजा (मध्य प्रदेश)
2. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, चरचा समूह/उप क्षेत्र, रेलवे स्टेशन-बैकुण्ठपुर रोड दक्षिण पूर्व रेल, डाकघर-चरचा, जिला-सरगुजा, (मध्य प्रदेश)

कोरबा (पूर्वी) क्षेत्र

1. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, राजगामर समूह/उप क्षेत्र, रेलवे स्टेशन-कोरबा, दक्षिण पूर्व रेल, डाकघर-ओमपुर कोयला खान, जिला-बिलासपुर (मध्य प्रदेश)
2. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, मानिकपुर समूह/उप क्षेत्र, रेलवे स्टेशन-कोरबा, दक्षिण पूर्व रेल, डाकघर-मानिकपुर कोयला खान, जिला-बिलासपुर (मध्य प्रदेश)
3. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, बांकी समूह/उप क्षेत्र, रेलवे स्टेशन-गेवरा रोड, दक्षिण पूर्व रेल, डाकघर-बांकी मोगरा, जिला-बिलासपुर (मध्य प्रदेश)

बिसरामपुर भूमिगत खान, बिसरामपुर विवृत खान, महाप्रबंधक काम्पलेक्स, क्षेत्रीय प्रशिक्षण संस्थान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

जयनगर पुरानी और नई भूमिगत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

कुमदा पुरानी और नई भूमिगत खान, बलरामपुर भूमिगत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

भटगांव भूमिगत खान, दुग्गा विवृत खान सेधोपारा भूमिगत खान, महामाया भूमिगत खान, मनी भूमिगत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

कटकोना कोयला खान, गिरजापुर भूमिगत खान, पाण्डवपारा भूमिगत खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

चरचा कोयला खान, चरचा पश्चिम कोयला खान, सोनहट ब्लाक, महाप्रबंधक काम्पलेक्स, (बैकुण्ठपुर), जिसमें बैकुण्ठपुर में रामपुर कोयला खान भी सम्मिलित है के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

कोरबा, राजगामर कोयला खान, महा-प्रबंधक काम्पलेक्स के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

मानिकपुर विवृत कोयला खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

बांकी कोयला खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

- गेवरा क्षेत्र

- कुसमुण्डा क्षेत्र

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| <p>1. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, कुसमुण्डा समूह/उप क्षेत्र, रेलवे स्टेशन-गेवरा रोड, दक्षिण पूर्व रेल, डाकघर-कुसमुण्डा, जिला बिलासपुर (मध्य प्रदेश)</p> <p>2. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, पाली समूह/उप क्षेत्र रेलवे स्टेशन गेवरा रोड, दक्षिण पूर्व रेल, डाकघर-कुसमुण्डा कोयला खान, जिला बिलासपुर (मध्य प्रदेश)</p> | <p>कुसमुण्डा विवृत कोयला खान के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन कर्मशाला, अस्पताल, आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।</p> <p>करतली ब्लाक (अम्बिका विवृत परियोजना) सरईपाली ब्लाक, डूमरकठार ब्लाक भालगांव ब्लाक (दुर्गा विवृत परियोजना) के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन कर्मशाला, अस्पताल, आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।</p> |
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रायगढ़ क्षेत्र		
1.	उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि०, रायगढ़ समूह/उप क्षेत्र, रेलवे स्टेशन-रायगढ़, दक्षिण पूर्व रेल, डाकघर-रायगढ़, जिला-रायगढ़ (मध्य प्रदेश) साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर मुख्यालय	डामनारा कोयला खान, बगौंद कोयला खान, छान ब्लॉक, कुरुमकेला ब्लॉक के सभी परिसर, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन आवासीय और गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।
1.	उप मुख्य इंजीनियर (सिविल)/अपर मुख्य इंजीनियर (सिविल)/नगर प्रशासक, साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर, रेलवे स्टेशन-बिलासपुर, दक्षिण पूर्व रेल, डाकघर-बिलासपुर, जिला बिलासपुर (मध्य प्रदेश)।	निम्नलिखित सभी परिसर—(1) सरकण्डा क्षेत्र, जिला-बिलासपुर में इंदिरा बिहार कालोनी, (2) बिलासपुर के समीप लिंगियाडीह ग्राम में बसंत बिहार कालोनी, (3) चाटीडीह ग्राम बिलासपुर में नेहरू ण्ठाब्दी नगर कालोनी (4) कारपोरेट आफिस कॉम्प्लेक्स (पुराना और नया) ग्राम चाटीडीह, बिलासपुर, (5) बिलासपुर के समीप लिंगियाडीह ग्राम में निर्माणाधीन केन्द्रीय अस्पताल के सभी परिसर तथा साउथ ईस्टर्न कोलफील्ड्स लि०, बिलासपुर के या उसके नियंत्रण के अधीन अन्य सभी परिसर।

[फा०सं० 43024/1/92/एन०एस० डब्ल्यू०]

बी०बी० राव, अवर सचिव

MINISTRY OF COAL

New Delhi, the 8th February, 1994

S.O. 696:—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column (1) of the Table below, being Officers equivalent to the rank of the Gazetted Officers of the Government to be estate officers for the purposes of the said Act and the said Officers shall exercise the powers conferred, and perform the duties imposed on estate officers by or under the said Act, within the local limits of their respective jurisdiction, in respect of the public premises specified in the corresponding entry in column (2) of the said Table :—

TABLE

Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
(1)	(2)
Jamuna-Kotma Area	
1. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Jamuna Opencast, Railway Station Kotma, South Eastern Railway, PO : Jamuna Colliery, District : Shahdol (Madhya Pradesh).	All premises of Jamuna Opencast mine and Harrad Incline, all premises of residential and non-residential Buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
2. Dy. General Manager/Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Kotma Reorganisation, Railway Station Kotma, South Eastern Railway, P.O. Kotma Colliery, District : Shahdol, (Madhya Pradesh).	All premises of Kotma West Colliery, Kotma Colliery, Jamuna 3/4 and 7/8 Inclines, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.

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| <p>3. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Govinda Sub-Area,
Railway Station Kotma,
South Eastern Railway,
PO : Kotma Colliery,
District : Shahdol, (Madhya Pradesh).</p> | <p>All premises of Govinda Colliery, Meera Inclines, all premises of residential and non-residential Buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |
| <p>4. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Bhadra Colliery,
Railway Station Kotma,
South Eastern Railway, PO : Kotma,
District : Shahdol, (Madhya Pradesh).</p> | <p>All premises of Bhadra Colliery, and all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |
| <p>5. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Jamuna Underground Reorganisation,
Railway Station Kotma,
South Eastern Railway,
PO : Jamuna Colliery, District : Shahdol,
(Madhya Pradesh).</p> | <p>All premises of Jamuna 1/2 Inclines, 9/10 Inclines, 11/12 Inclines, all premises of Stores, Workshop, Jamuna Coal Handling Plant, General Manager Complex, all residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |

Johilla Area

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| <p>1. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Nowrozabad Group/Sub-Area, Railway Station,
Nowrozabad, South Eastern Railway,
PO : Nowrozabad, District : Shahdol,
(Madhya Pradesh).</p> | <p>All premises of Nowrozabad Colliery, General Manager Complex, Kudri Block, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |
| <p>2. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Birsinghpur Pali Group/Sub-Area,
Railway Station Birsinghpur,
South Eastern Railway,
PO : Birsinghpur, District : Shahdol,
(Madhya Pradesh).</p> | <p>All premises of Pali Project, Birsinghpur Colliery, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |
| <p>3. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Pinoura and Vindhya Group/Sub-Area,
Railway Station, Nowrozabad,
South Eastern Railway,
PO : Nowrozabad,
District : Shahdol, (Madhya Pradesh).</p> | <p>All premises of Pinoura and Vindhya Coal Mines, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |
| <p>4. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Umaria Group/Sub-Area,
Railway Station Umaria,
South Eastern Railway,
PO : Umaria,
District : Shahdol,
(Madhya Pradesh).</p> | <p>All premises of Umaria and Piparia Coal Mines, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |

Sohaqpur Area.

1. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Burhar Group/Sub-Area, Railway Station Amlai,
South Eastern Railway,
PO : Dhanpuri Colliery,
District : Shahdol, (Madhya Pradesh).
All premises of Burhar number 1 mine including
Orient Paper Mill Incline, Burhar number 3,
Dhanpuri Underground mines, Subhash Under-
ground mine, General Manager Complex,
Central Stores, Regional Workshop, all premises
of residential and non-residential buildings and
other premises belonging to or under the control
of South Eastern Coalfields Limited, Bilaspur.
2. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Chachai-Raungta Group/Sub-Area,
Railway Station, Amali,
South Eastern Railway,
PO : Amlai Colliery,
District : Shahdol, (Madhya Pradesh).
All premises of Chachai Undergraound mine,
Vivek Nagar Incline, Rungta Colliery, all premises
of residential and non-residential buildings and
other premises belonging to or under the control
of South Eastern Coalfields Limited, Bilaspur.
3. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Amali-Bangwar Group/Sub-Area,
Railway Station Amlai,
South Eastern Railway,
PO : Amlai Colliery,
District : Shahdol,
(Madhya Pradesh).
All premises of Amlai Colliery, Bangwar Under-
ground mine, all premises of residential and non-
residential buildings and other premises belonging to
or under the control of South Eastern Coalfields
Limited, Bilaspur.
4. Dy. General Manager/Sub-Area Manager/Agent/
Project Officer,
South Eastern Coalfields Limited,
Dhanpuri Opencast Sub--Area/Group,
Railway Station Amlai,
South Eastern Railway,
P.O. Amlai Colliery,
Sub. PO : Sanjay Koyla Nagar,
District : Shahdol, (Madhya Pradesh).
All premises of Dhahpuri Opencast mine, Sharda
Opencast mine and Batura Block, all premises of
residential and non-residential buildings and other
premises belonging to or under the control of
South Eastern Coalfields Limited, Bilaspur.
5. Sun-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Navagaon-Rajendra Group/Sub-Area,
Railway Station Burhar,
South Eastern Railway,
Sub. PO : Khairaha,
District : Shahdol, (Madhya Pradesh).
All premises of Navagaon underground project,
Rajendra underground project, Karkati Block,
all premises of residential and non-residential buil-
dings and other premises belonging to or under the
control of South Eastern Coalfields Limited,
Bilaspur.
6. Dy. Chief Medical Officer,
South Eastern Coalfields Limited,
Regional Hospital,
Railway Station Amali,
South Eastern Railway,
PO : Dhanpuri Colliery,
District : Shahdol, (Madhya Pradesh).
All premises of the Regional Hospital, all premises of
residential and non-residential buildings and
other premises belonging to or under the control
of South Eastern Coalfields Limited, Bilaspur.

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Hasdeo Area.		
1. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Jhagrakhand Group/Sub-Area, Railway Station Manendragarh, South Eastern Railway, PO : South Jhagrakhand Colliery District : Surguja, (Madhya Pradesh).		All premises of South Jhagrakhand Colliery, West Jhagrakhand Colliery, North Jhagrakhand Colliery, 'B' seam mine, General Manager Complex, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
2. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Ramnagar Group/Sub-Area, Railway Station Bijuri, South Eastern Railway, PO : Jhimar Colliery, District : Shahdol (Madhya Pradesh).		All premises of Ramnagar Colliery (including Magla Inclines) old Jhimar coal mines, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
3. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Rajnagar Underground Group/Sub-Area, Railway Station Bijuri, South Eastern Railway, PO : Rajnagar Colliery, District : Shahdol, (Madhya Pradesh).		All premises of Rajnagar Colliery, New Rajnagar Colliery, Rajnagar 7 and 8 Inclines, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
4. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Rajnagar Opencast Group/Sub-Area, Railway Station Bijuri, South Eastern Railway, PO : Ranjnagar Colliery, District : Shahdol, (Madhya Pradesh).		All premises of Rajnagar Opencast mine, Dola Opencast mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
5. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Bijuri Group/Sub-Area, Railway Station Bijuri, South Eastern Railway, PO : Bijuri, District : Shahdol, (Madhya Pradesh).		All premises of Bijuri Colliery, Behrabandh Pilot Mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
6. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Kurja Group/Sub-Area, Railway Station Bijuri, South Eastern Railway, PO : Bijuri, District : Shahdol (Madhya Pradesh).		All premises of Kurja Underground mine, Amritdhara, Kapildhara, Jhiria and Sheetaladhara Underground mines, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
7. Dy. Chief Medical Officer/Medical Superintendent, South Eastern Coalfields Limited, Central/Regional Hospital, Railway Station Manendragarh, South Eastern Railway, PO : Manendragarh, District : Surguja, (Madhya Pradesh).		All premises of Central/Regional Hospital and its residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.

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Chirimiri Area

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| <p>1. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Kurasia Group/Sub-Area,
Railway Station Chirimiri,
South Eastern Railway,
PO : Kurasia Colliery,
District : Surguja, (Madhya Pradesh).</p> <p>2. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Chirimiri Group/Sub-Area,
Railway Station Chirimiri,
South Eastern Railway,
PO : Chirimiri,
District : Surguja, (Madhya Pradesh).</p> <p>3. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Duman Hill Group/Sub-Area,
Railway Station Chirimiri,
South Eastern Railway,
PO : Sonawani,
District : Surguja, (Madhya Pradesh).</p> <p>4. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
New Chirimiri Pondri Hill Colliery,
Railway Station Chirimiri,
South Eastern Railway,
PO : Haldibari,
District : Surguja, (Madhya Pradesh).</p> <p>5. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
West Chirimiri Colliery,
Railway Station Chirimiri,
South Eastern Railway,
PO : West Chirimiri Colliery,
District : Surguja, (Madhya Pradesh).</p> <p>6. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Korea Group/Sub-Area,
Railway Station Chirimiri,
South Eastern Railway,
PO : Korea Colliery,
District : Surguja, (Madhya Pradesh).</p> | <p>All premises of Kurasia Underground mine, Kurasia Opencast mine, Sonawani Underground mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> <p>All premises of Chirimiri Underground mine, Chirimiri Opencast mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> <p>All premises of Duman Hill Underground mine, Duman Hill Opencast mine, North Chirimiri Colliery, all premises of residential and non-residential buildings and all other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> <p>All premises of New Chirimiri Pondri Hill Colliery, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> <p>All premises of West Chirimiri Colliery, General Manager Complex, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> <p>All premises of Korea Underground mine, Korea Opencast mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |
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Bisrampur Area.

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| <p>1. Sub-Area Manager/Agent/Project Officer,
South Eastern Coalfields Limited,
Bisrampur Group/Sub-Area,
Railway Station Bisrampur,
South Eastern Railway,
PO : Bisrampur Colliery,
District : Surguja, (Madhya Pradesh).</p> | <p>All premises of Bisrampur Underground mine, Bisrampur Opencast mine, General Manager Complex, Regional Training Institute, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.</p> |
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2.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Jainagar Group/Sub-Area, Railway Station Bistrampur, South Eastern Railway. PO : Bistrampur Colliery, District : Surguja, (Madhya Pradesh).	All premises of Jainagar old and new Underground mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
3.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Kumda Group/Sub-Area, Railway Station Bistrampur, South Eastern Railway, PO : Bistrampur Colliery, District : Surguja, (Madhya Pradesh).	All premises of Kumda old and new Underground mines, Balrampur Underground mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
4.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Bhatgaon Group/Sub-Area, Railway Station Karonji, South Eastern Railway, PO : Bhatgaon Colliery, District : Surguja, (Madhya Pradesh).	All premises of Bhatgaon under-round mines, Dugga Opencast mine, Sendhopara underground mine, Mahamaya underground mine, Mani underground mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
Baikunthpur Area		
1.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Katkona Group/Sub-Area, Railway Station Katkona, South Eastern Railway, PO : Patna. District : Surguja, (Madhya Pradesh).	All premises of Kotkona Colliery, Girijapur Underground mine, Pandavpara Underground mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
2.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Churcha Group/Sub-Area, Railway Station Baikunthpur, Road, South Eastern Railway, PO : Churcha, District : Surguja, (Madhya Pradesh).	All premises of Churcha coal mine, Churcha West Colliery, Sonhat Block, General Manager Complex, at Baikunthpur including Rampur Colliery at Baihunthpur, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
Korba Area		
1.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Rajgamar Group/Sub Area, Railway Station Korba, South Eastern Railway, PO : Ompur Colliery, District : Bilaspur, (Madhya Pradesh).	All premises of Korba, Rajgamar coal mines, General Manager Complex, all premises of residential and non residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
2.	Sub Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Manihpur Group/Sub Area, Railway Station Korba, South Eastern Railway, PO : Manihpur Colliery, District : Bilaspur, (Madhya Pradesh).	All premises of Manikpur Opencast coal mine, all premises of residential and non residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.

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3.	Sub Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Banki Group/Sub Area, Railway Station Gevra Road, South Eastern Railway, PO : Banki Mogra, District : Bilaspur, (Madhya Pradesh).	All premises of Banki coal mine, all premises of residential and non residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
4.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Surakachhar Group/Sub-Area, Railway Station Gevra Road, PO : Banhi Mogra, District : Bilaspur, (Madhya Pradesh).	All premises of Surakachhar coal mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
5.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Baldi Group/Sub-Area, Railway Station Gevra Road, South Eastern Railway, PO : Banki Mogra, District : Bilaspur (Madhya Pradesh).	All premises of Baldi coal mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
6.	Dy. Chief Material Manager/Central Stores, South Eastern Coalfields Limited, Korba, Railway Station Korba, South Eastern Railway, PO : Korba, District : Bilaspur, (Madhya Pradesh).	All premises of Central Stores Korba and residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
7.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Dhulwadih Group/Sub-Area, Railway Station Gevra Road, South Eastern Railway, PO : Banhi Mogra, District : Bilaspur, (Madhya Pradesh).	All premises of Dhulwadih Underground mine, Singhali Underground mine, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
8.	Additional Chief Engineer (Excavation)/General Superintendent, South Eastern Coalfields Limited, Central E&M Workshop, Korba, Railway Station Korba, South Eastern Railway, PO : Korba, District : Bilaspur, (Madhya Pradesh).	All premises of Central Electrical and Mechanical Workshop Korba, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
Gevra Area		
1.	Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Gevra Group/Sub-Area, Railway station : Gevra Road, South Eastern Railway, PO : Gevra Project, District Bilaspur, (Madhya Pradesh).	All premises of Gevra Opencast Coal Mine, all premises of Workshop, hospital, residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.

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2. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Dipka Group/Sub-Area, Railway Station : Gevra Road, South Eastern Railway, PO : Gevra Project, District Bilaspur, Madhya Pradesh.		All premises of Dipka Opencast Coal Mine, all premises of Workshop, Hospital, residential and non-residential buildings, and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
3. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Laxman Group/Sub-Area, Railway Station : Gevra Road, South Eastern Railway, PO : Gevra Road, District Bilaspur, Madhya Pradesh.		All premises of Laxman Opencast Coal Mine, all premises of Workshop, Hospital, residential and non-residential buildings, and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
Kusmunda Area		
1. Sub-Area Manager/Agent/Project Officer, South-Eastern Coalfields Limited, Kusmunda Group/Sub-area, Railway Station : Gevra Road, South Eastern Railway, PO : Kusmunda, District Bilaspur, Madhya Pradesh.		All premises of Kusmunda Opencast coal mine, all premises of Workshop, Hospital, residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
2. Sub-Area Manager/Agent/Project Officer, South-Eastern Coalfields Limited, Pali Group/Sub-Area, Railway Station : Gevra Road, South Eastern Railway, PO : Kusmunda Colliery, District Bilaspur, Madhya Pradesh.		All premises of Kartali Block (Ambika Opencast project), Saraipali Block, Dumarkachar Block Malagaon Block (Durga Opencast Project, premises of Workshop, Hospital, residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
Raigarh Area		
1. Sub-Area Manager/Agent/Project Officer, South Eastern Coalfields Limited, Raigarh Group/Sub-Area, Railway Station Raigarh, South Eastern Railway, PO : Raigarh, District : Raigarh, (Madhya Pradesh). South Eastern Coalfields Limited, Bilaspur		All premises of Domnara Colliery, Baroud Colliery, Chhal Block, Kurumkela Block, all premises of residential and non-residential buildings and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.
Headquarters.		
1. Dy. Chief Engineer (Civil)/Additional Chief Engineer (Civil)/Town Administrator, South Eastern Coalfields Limited, Bilaspur, Railway Station Bilaspur, South Eastern Railway, PO : Bilaspur, District : Bilaspur, (Madhya Pradesh).		All premises of (1) Indira Vihar Colony in Sarkanda Zone, Bilaspur, (2) Vasant Vihar Colony in village Lingiyadih near Bilaspur, (3) Nehru Satabdi Nagar Colony in village Chatidih, Bilaspur (4) Corporate Office Complex (old and new) in village Chatidih, Bilaspur (5) all premises of Central Hospital under construction in village Lingiyadih near Bilaspur and other premises belonging to or under the control of South Eastern Coalfields Limited, Bilaspur.

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 23 फरवरी, 1994

कां.अं. 697:--केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग (नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय) (शिक्षा विभाग) के निम्नलिखित स्वायत्त संगठन को जिसमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करत

बाल भवन सोसायटी इंडिया,
कोटला रोड, नई दिल्ली-110002

[सं. 11011-2/92-रांभा.ए.०]

ओ.पी. चवला, निदेशक (राजभाषा)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

New Delhi, the 23rd February, 1994

S.O. 697.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for Official purpose of the union) Rules 1976, the Central Government hereby notifies the following autonomous organisation of the Ministry of Human Resource Development (Department of Education), more than 80 per cent staff of which was acquired working knowledge of Hindi :—

Bal Bhavan Society India,
Kotla Road,
New Delhi-110002.

[No. 11011/2/92-O.L.U.]

O. P. CHAWLA, Director (O.L.)

नई दिल्ली, 23 फरवरी, 1994

कां.अं. 698:--केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग (नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय) (शिक्षा विभाग) के निम्नलिखित अधीनस्थ कार्यालय को जिसमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:--

उत्तर क्षेत्रीय कार्यालय,
शिक्षा विभाग,
(मानव संसाधन विकास मंत्रालय)
1-ए, लक्ष्मणबाग,
नवाबगंज, कानपुर-208002

[सं. 11011-2/92-रांभा.ए.०]

ओ.पी. चवला, निदेशक (राजभाषा)

New Delhi, the 23rd February, 1994

S.O. 698.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for Official purpose of the union) Rules, 1976, the Central Government hereby notifies the following Subordinate Office of the Ministry of Human Resource Development (Department of Education), more than 80 per cent staff of which has acquired working knowledge of Hindi :—

Northern Regional Office,
Deptt. of Education,
Ministry of Human Resource Development,
1A, Laxmanbagh,
Navabgunj, Kanpur-208002.

[No. 11011-2/92-O.L.U.]

O. P. CHAWLA, Director (O.L.)

(सहिष्णु एवं बाल विकास विभाग)

पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के मामले में

राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 4 फरवरी, 1994

कां.अं. 699:--राष्ट्रीय बाल कोष, नई दिल्ली के प्रबंध बोर्ड द्वारा किए आवेदन पर और उनकी सहमति से पूर्व विन्यास अधिनियम 1890 (1890 का 6) के खण्ड 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आदेश देती है कि नीचे दिए गए व्यौरे के अनुसार रु० 15,00,000 (पंद्रह लाख मात्र) सिंडिकेट बैंक, हाउज खास, नई दिल्ली में 46 दिनों के लिए फिक्स डिपॉजिट योजना के अन्तर्गत 7% की दर पर से 1-2-94 को निवेश की गई:

क्रम सं०	राशि	पिछले निवेश की तारीख	भुगतान की तारीख	अध्यक्षिता
1.	रु० 15,000,00	28-01-89	28-01-94	

3. भारत सरकार के परकाजीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित कां.अं. 120(ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्व विन्यास के खजाने के नाम होगा।

[सं. 13-4/93-टी-प्रार-II]

सुरजित लाल, भवर सचिव

(Department of Women & Child Development)

IN THE MATTER OF THE CHARITABLE

ENDOWMENTS ACT, 1890

(6 of 1890)

IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

New Delhi, the 4th February, 1994

S.O. 699.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section (4) of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government, do hereby order that the sum of Rs. 15,00,000/- (Rupees Fifteen Lakh Only) as per particulars given below be invested in Fixed Deposit Scheme for 46 days in Syndicate Bank, Hauz Khas, New Delhi at the rate of interest 7% per annum w.e.f. 01/02/1994.

Sl. No.	Amount	Date of previous Investmnet	Date of Maturity	Remarks
1.	Rs. 15,00,000	28-01-89	28-01-94	

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120 (E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-4/93-TR-II]

SURJIT LAL, Under Secy.

ग्रामीण विकास मंत्रालय
(ग्रामीण विकास विभाग)
(विपणन एवं निरीक्षण निदेशालय)
फरीदाबाद, 17 फरवरी, 1994

का० प्रा० 700:—साधारण श्रेणीकरण तथा चिह्नांकन नियमावली, 1988 के अधीन मुझको प्रदत्त शक्तियों का प्रयोग करते हुए मैं, प्रार० एन० बसल, कृषि विपणन सलाहकार, भारत सरकार, एतद्वारा, स्तम्भ (1) में उल्लिखित नियमों के अनुसरण में जैसा कि स्तम्भ (2) में शक्तियों के प्रयोग के अधिकारी विनिर्दिष्ट हैं, स्तम्भ (3) में विनिर्दिष्ट राज्य सरकार के अधिकारियों को नागालैंड राज्य में घरेलू मंडी के लिए कृषि उपज (श्रेणीकरण तथा चिह्नांकन), अधिनियम, 1937 (1937 का 1) के अधीन निर्धारित श्रेणीकरण तथा चिह्नांकन नियमों एवं श्रेणीकरण अभिधानों के अनुसार कृषि और अन्य उत्पादों के श्रेणीकरण तथा चिह्नांकन के बारे में अधिकार देता हूँ।

साधारण श्रेणीकरण चिह्नांकन नियमावली, 1988 के नियम का संदर्भ	प्रत्यायुक्त शक्तियाँ	राज्य के अधिकारी का पदनाम
1	2	3
नियम 3(4)	घरेलू श्रेणीकरण के लिए प्राधिकरण प्रमाण-पत्र प्रदान करने हेतु आवेदन प्राप्त करना,	राज्य विपणन अधिकारी एवं सचिव नागालैंड राज्य कृषि विपणन बोर्ड
नियम 3(5)	आवेदक की सदस्यता स्थापन तथा परिमर्गों प्रयोगशाला, संसाधन एककों के निरीक्षण की व्यवस्था करना तथा घरेलू श्रेणीकरण के लिए प्राधिकरण प्रमाण-पत्र प्रदान करने हेतु सिफारिश करना	—वही—
नियम 4	विकेन्द्रीकरण श्रेणीकरण के बारे में प्राधिकरण प्रमाण-पत्र का नवीनीकरण करना,	—वही—
नियम 8(2)	एगमार्क श्रेणीकरण के लिए प्राइवेट वाणिज्यिक प्रयोगशाला को अनुमोदन का सिफारिश करना,	—वही—
नियम 12	विकेन्द्रीकरण श्रेणीकरण के बारे में श्रेणी अभिधान चिह्नों को जारी करना अथवा प्रयोग को रोकना,	—वही—
नियम 14	किसी भी अनुसूचित वस्तु के बारे में सूचना, रिपोर्ट, विवरणी प्राप्त करना	—वही—
नियम 3(8) (ख)	प्राधिकृत श्रेणीकरण परिमर्गों का निरीक्षण करना तथा यह पता लगाना कि विकेन्द्रीकरण वस्तुओं का श्रेणीकरण तथा चिह्नांकन सही रूप में किया गया है,	—वही—
नियम 3(8) (ग)	विकेन्द्रीकरण श्रेणीकरण के प्राधिकृत पैकरो द्वारा रखे गए रिकार्ड की जाँच करना,	—वही—
नियम 3(8) (घ)	श्रेणी अभिधान चिह्न लगे हुए किसी पैकेज को खोलना तथा निरीक्षण करना तथा किसी भी श्रेणीकृत उपज के नमूने लेना परन्तु सभी नमूनों के लिए संदाय किया जाएगा	—वही—
नियम 3(8) (ङ)	विकेन्द्रीकरण श्रेणीकरण के अधीन आने वाली किसी भी श्रेणीकृत वस्तु का श्रेणी अभिधान चिह्न रद्द करना या उसे हटाना यदि वह विहित श्रेणी विनिर्देशनों से के अनुरूप नहीं है।	—वही—

[सं० क्यू० 11011/9/93-क्यू०सी०-3]

प्रार० एन० बसल, कृषि विपणन सलाहकार

MINISTRY OF RURAL DEVELOPMENT

(Department of Rural Development)

Directorate of Marketing and Inspection

New Delhi, the 17th February, 1994

S.O.....700 :—In exercise of the powers conferred on me under the General Grading and Marking Rules 1988, I, R.N. BANSAL Agricultural Marketing Adviser to the Govt. of India, hereby delegate, in presence of the rules cited in column (1), authority to exercise the powers, as specified in column (2), to the officers of the State Government specified in column (3), in respect of grading and marking of agricultural and other produce in accordance with the grade designations and the Grading and Marking Rules prescribed under the Agricultural Produce (Grading and Marking) Act, 1937, (1 of 1937) for domestic market in the State of NAGALAND.

Reference rule of the G.G.M. Rules, 1988	Powers delegated	Designation of the State State Officer.
Rule 3(4)	To receive the application for grant of Certificate of Authorisation for domestic grading;	State Marketing Officer and Secretary, Nagaland State Agril. Marketing Board.
Rule 3(5)	To arrange for verification of bonafides of the applicant and inspection of the premises, Laboratory, Processing units and to recommend grant of C.A. for domestic grading;	-do-
Rule 4	To renew the certificate of authorisation in respect of decentralised grading;	-do-
Rule 8 (2)	To recommend approval of private commercial laboratory for Agmark grading;	-do-
Rule 12	To withhold issue or use of grade designation marks in respect of decentralised grading;	-do-
Rule 14	To obtain information, report/return in respect of any of the scheduled articles;	-do-
Rule 3(8)(b)	To inspect the authorised grading premises and to ascertain that grading and marking of decentralised commodities is correctly performed;	-do-
Rule 3(8) (c)	To examine the records maintained by the authorised packers of decentralised grading;	-do-
Rule 3(8)(d)	To open and inspect any package bearing grade designation mark and to take samples of any graded produce provided all samples shall be paid for;	-do-
Rule 3 (8) (e)	To cancel or to remove the grade designation mark from any graded article covered under decentralised grading if found not conforming to the prescribed grade specifications.	State Marketing Officer and Secretary, Nagaland State Agril. Marketing Board.

[No. Q. 11011/9/93-Q.C.III]

R.N. BANSAL, Agricultural Marketing Adviser

रसायन और उर्वरक मंत्रालय
(रसायन और पेट्रो-रसायन विभाग)
नई दिल्ली, 14 फरवरी, 1994

क्र.सं. 701:—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, रसायन और पेट्रो-रसायन विभाग के नियंत्रणाधीन निम्नलिखित कार्यालय को, जिसके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

इंडियन ड्रग्स एण्ड फार्मास्यूटिकल्स लिमिटेड,
क्षेत्रीय कार्यालय, बिजगावरी नीलकंठ मार्ग, खानपुर,
अहमदाबाद-380001

[नं० ई-11012/1/94-हिन्दी]
के० गुर्तु, उप सचिव

MINISTRY OF CHEMICALS & FERTILIZERS
(Department of Chemicals and Petrochemicals)

New Delhi, the 14th February, 1994

S.O. 701.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office under the administrative control of the Department of Chemicals and Petrochemicals, the 80 per cent staff whereof have acquired a working knowledge of Hindi:—

Indian Drugs & Pharmaceuticals Ltd.
Regional Office, V. N. Marg,
Khanpur,
Ahmedabad-380001.

[No. E-11012(1)/94-Hindi]
K. GURTU, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
नई दिल्ली, 16 फरवरी, 1994

क्र.सं. 702:—केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिनियम की द्वितीय अनुसूची में "आंध्र प्रदेश" शीर्षक के नीचे आंध्र बिजबिहालय बाल्टेयर से संबंधित क्रम नं० 3B के सामने, जहाँ तक उसका संबंध होम्योपैथिक औषधि और अन्य वस्तुओं में "स्नातक (विशेष प्रहारा परीक्षा)" से है, स्तम्भ 4 में की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"1979 से 1984 तक"।

[नं० बी. 27021/11/85-होम्यो]
बी. सी. मेहता डेस्क अधिकारी

वाक्य-टिप्पण:—यू.ए. अधिनियम भारत के राजपत्र, भाग 2, खंड 1 में क्र.सं. 76, तारीख 20 दिसम्बर, 1973 द्वारा प्रकाशित की गई थी और उसके बाद भाग 2, खंड 3, उपखंड (ii) में प्रकाशित निम्नलिखित अधिसूचनाओं द्वारा उनमें संशोधन किया गया:—

क्र.सं. 3325 तारीख 4-11-1978
क्र.सं. 1517 तारीख 26-2-1983
क्र.सं. 1481 तारीख 12-3-1983
क्र.सं. 3099 तारीख 21-6-1985
क्र.सं. 2048 तारीख 24-3-1986

593 GI/94—5

क्र.सं. 2270 तारीख 24-5-1986
क्र.सं. 2449 तारीख 1-8-1990
क्र.सं. 2501 तारीख 1-8-1990
क्र.सं. 2502 तारीख 21-8-1990

क्र.सं. 710 तारीख 20-2-1992
क्र.सं. 891 तारीख 5-3-1992
क्र.सं. 1210 तारीख 23-4-1992
क्र.सं. 2669 तारीख 24-3-1992
क्र.सं. 978 तारीख 28-4-1993

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 16th February, 1994

S.O. 702.—In exercise of the powers conferred by sub-section (2) of Section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government after consulting the Central Council of Homoeopathy, hereby makes the following amendment in the second schedule to the said Act, namely:—

In the second schedule to the said Act, under the heading "Andhra Pradesh" against Serial No. 3B relating to the Andhra University, Waltair in so far it relates to "Bachelor of Homoeopathy Medicine and Surgery (Special qualifying Exam)," in column 4, for the entry, the following entry shall be substituted, namely:—

"From 1979 to 1984"

[No. V. 27021/11/85-Homoeo]
B. C. MEHTA, Desk Officer

Foot Note:—The principal Notification was published in the Gazette of India Part 2, section I, S.O. vide No. 76 dated the 20th December, 1973, and subsequently amended vide.

S.O. 3325 dated 4-11-1978
S.O. 1517 dated 26-2-1983
S.O. 1481 dated 12-3-1983
S.O. 3099 dated 21-6-1985
S.O. 2048 dated 24-3-1986
S.O. 2270 dated 24-5-1986
S.O. 2449 dated 1-8-1990
S.O. 2501 dated 1-8-1990
S.O. 2502 dated 21-8-1990
S.O. 710 dated 20-2-1992
S.O. 891 dated 5-3-1992
S.O. 1210 dated 23-4-1992
S.O. 2669 dated 24-3-1992 &
S.O. 978 dated 28-4-1993.

published in the Gazette of India, Part II, Section 3, Sub-section (iii).

संचार मंत्रालय
(डाक विभाग)
शुद्धि पत्र

नई दिल्ली, 28 जनवरी, 1994

क्र.सं. 703.—इस निदेशालय दिनांक 28-1-92 के समर्थक पत्र के तहत जारी अधिसूचना, जिसके तहत

केन्द्रीय सरकार के राजपत्रित अधिकारियों की डाक विभाग में सम्पदा अधिकारियों के बतौर कार्य करने हेतु नियुक्ति को भारत के राजपत्र के भाग II खंड-3(ii) दिनांक 11-9-93 में प्रकाशित किया गया था, में पृष्ठ सं. 5 क्रम सं. 18 पर इलाहाबाद क्षेत्र (उत्तर प्रदेश) के सामने निम्नलिखित परिवर्तन किया जाये।

क्रम संकेत का नाम अधिकारियों का पदनाम क्षेत्राधिकार सं.

18 उत्तर प्रदेश सहायक महानिदेशक इलाहाबाद क्षेत्र
डाक सेवाएं (स्था.
एवं जांच) इलाहाबाद
क्षेत्र

[सं. 2-119/90-भवन]

ए. के. सिंह, सहायक महानिदेशक (पी. एम. ई.)

MINISTRY OF COMMUNICATIONS

(Department of Posts)

CORRIGENDUM

New Delhi, the 28th January, 1994

S.O. 703.—In the Notification issued under the Directorate Office of even No. dated 28-1-92 in respect of the Central Govt. Gazetted Officers appointed to act as Estate Officers in the Department of posts published in Gazette of India in Part-II-3(ii) dated 11-9-93. The following changes may be made against sl. No. 18 page 5 against Allahabad Region (Uttar Pradesh).

Sl. No.	Name of Circle	Designation of the Officers	Territorial Jurisdiction
18	Uttar Pradesh	Asstt. Director Postal Services (Estt. & Inv.) Allahabad Region	Allahabad Region

[No. 2-119/90-Bldg.]

A.K. SINGH, Asstt. Director General (PME)

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 25 फरवरी, 1994

का.आ. 704.—केन्द्र सरकार का दिल्ली की मुख्य योजना—2001 में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो अथवा कोई सुझाव देना हो तो वह अपनी आपत्ति अथवा सुझाव इस सूचना के जारी होने की तारीख से तीस दिनों की अवधि के अन्दर सचिव, दिल्ली विकास प्राधिकरण, विकास सदन "बी" ब्लॉक, आई. एन. ए.,

नई दिल्ली को लिखित रूप में भेज दें आपत्ति करने अथवा सुझाव देने वाले व्यक्ति की अपना नाम एवं पता भी अवश्य देना चाहिए।

संशोधन :

(1) भारत के राजपत्र, असाधारण भाग-2, खंड-3, उपखंड (2) दिनांक 1-8-90 के पृष्ठ 155 (बाईं ओर के कालम) पर (बी) (2) के अंत में "ए-3 ग्रामीण जोन (ए-2 सहित)" के अन्तर्गत निम्नलिखित को जोड़ा जाना प्रस्तावित है :

"मोटल उसके संबंध में बनाए गए विनियमों के अनुसार राष्ट्रीय राजमार्गों के सभी उपयोग जोनों और 60 मीटर न्यूनतम चौड़ाई वाले अन्तर्राज्यीय मार्गों अथवा उनके समानांतर चलने वाले सेवा मार्गों के सभी उपयोग जोनों में अनुमत है।"

(2) भारत के राजपत्र, असाधारण भाग-2, खंड-3, उपखंड (2) दिनांक 1-8-90 के पृष्ठ 171 (बाईं ओर के कालम) पर "0.33 (मोटल्स)" शीर्षक के अन्तर्गत परिभाषा को निम्नानुसार बदलने का प्रस्ताव है :—

"विशेष रूप से सड़क यात्रियों के खानपान, ठहरने, विश्राम एवं मनोरंजन तथा संबंधित कार्य-कलापों को पूरा करने के लिए तैयार एवं प्रचालित परिसर।"

2. प्रस्तावित संशोधन को दर्शाने वाली दिल्ली मुख्य योजना—2001 की प्रति निरीक्षण के लिए उपयुक्त अवधि के अन्दर सभी कार्य-दिवसों में उप-निदेशक, मुख्य योजना अनुभाग, विकास मीनार, छठी मंजिल, इन्द्रप्रस्थ एस्टेट, नई दिल्ली के कार्यालय में उपलब्ध रहेगी।

[सं. एफ. 20(4) 83—एम. पी.]

बी. एम. बंसल, आयुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 25th February, 1994

S.O. 704.—The following modifications, which the Central Government proposes to make in the Master Plan for Delhi-2001, is hereby published for public information, any person having any objections/suggestions with respect to the proposed modifications may send the objections/suggestions in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, I.N.A., New Delhi, within a period of 30 days from the date of this notice. The person making objections/suggestions should also give his name and address.

MODIFICATIONS :

(i) On page 155 (left hand column) of the Gazette of India, extraordinary part II, section 3, sub-section (ii) dated 1-8-90 under heading "A-3 Rural Zone (including A-2)" at the end of (b)(ii), the following is proposed to be added :

"Motel is permitted as per Regulations made on that behalf in all use zones on National Highways and Inter State Roads of a minimum width of 60 mtrs. or service roads running parallel to them."

(ii) On page 171 (left hand column) of the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) dated 1-8-90 under the headings '033(Motels)', the definition is proposed to be replaced as under:

"A premises designed and operated especially to cater to the boarding, lodging, rest and recreation and related activities of travellers by road."

2. A copy of the MPD-2001, Gazette of India, incorporating the proposed modifications will be available for inspection at the office of the Deputy Director, Master Plan Section, 6th Floor, Vikas Minar, I.P. Estate, New Delhi on all working days during the period referred above.

[F. 20(4)83-MP]

V. M. BANSAL, Commissioner-cum-Secy.

श्रम मंत्रालय

नई दिल्ली, 1 फरवरी, 1994

का.आ. 705.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की द्वारा 17 के अनुसरण में, केन्द्रीय सरकार डिविजनल इंजीनियर, टेलीकॉम, रेलवे इलेक्ट्रिफिकेशन, सवाईमाधोपुर के प्रबन्धतंत्र के सबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को (.....) को प्राप्त हुआ था।

[सं.एल-40012/63/89-डी. II 2-(बी) पार्ट]

के. वी. बी. उण्णी, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 1st February, 1994

S.O. 705.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Engineer Telecom. Rly. Electrification, Sawaimadhopur and their workmen, which was received by the Central Government.

[No. L-40012/63/89-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण, कोटा राज.

निर्देश प्रकरण क्रमांक: ओ० न्या० (केन्द्रीय)-5/1990

दिनांक स्थापित : 25-1-90

प्रसंग : भारत सरकार, श्रम मंत्रालय नई दिल्ली के आदेश क्रमांक [संख्या एल-40012/63/89-डी-2 (बी)] दिनांक 19/1/90

औद्योगिक विवाद अधिनियम, 1947

मध्य

बत्तीलाल पुत्र श्री सरवंधिया गूजर गांव कोठारी पोस्ट आफिस मलारजा जिला सवाईमाधोपुर।

—प्रार्थी श्रमिक

एवं

डिविजनल इंजीनियर, टेलीकॉम, रेलवे इलेक्ट्रिफिकेशन, सवाई-माधोपुर।

प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश नारायण शर्मा,

आर. एच. जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि—श्री एन. के. सिवाड़ी प्रतिपक्षी नियोजक की ओर से —कोई उपस्थित नहीं अधिनिर्णय दिनांक : 9 जून, 1993

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम, 1947 के सम्बोधित किया जायेगा) की धारा 10 (1) (घ) व उपधारा (2-क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:

"Whether the action of the Divisional Engineer, Telecom, Railway Electrification, Sawaimadhopur in terminating the services of Shri Battilal S/o. Shri Habudiya Gujar w.c.f. 30-7-1987 is justified? If not, what relief the workman is entitled to?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना भिजवाई गयी। प्रार्थी श्रमिक बत्तीलाल ने अपने बारे में कहा है कि उसे प्रतिपक्षी नियोजक डिविजनल इंजीनियर टेलीकॉम रेलवे इलेक्ट्रिफिकेशन, सवाईमाधोपुर द्वारा 1-8-85 से दैनिक बेतन पर नियोजित किया गया था और उसने प्रतिपक्षी के यहाँ 28-7-87 तक निरन्तर कार्य किया, इस तरह वह इस अवधि में 240 दिन से अधिक दिवस तक काम कर चुका था, पर 29-7-87 से प्रतिपक्षी ने उसे बिना कोई कारण बताये और बिना पूर्व सूचना के नौकरी से निकाल दिया। नौकरी से निकलने से पूर्व श्रमिक को न तो एक माह का नोटिस अथवा मोटिस बेतन दिया गया और मुआवजा दिया गया न प्रस्तावित किया गया। इस प्रकार अधिनियम, 1947 की धारा 25-एफ की पालन न करके श्रमिक को अवैध रूप से सेवा से हटाया गया है।

3. दिनांक 22-8-92 को प्रतिपक्षी पर मोटिस की तारीख हो चुकी थी परन्तु इससे आगे नियत तारीख 26-9-92 को प्रतिपक्षी की ओर से कोई उपस्थित नहीं हुआ इसलिए प्रतिपक्षी के विरुद्ध एकपक्षीय कार्यवाही की गयी।

4. प्रार्थी बत्तीलाल ने अपने शपथपत्र में क्लेम के तथ्यों का समर्थन करते हुए कहा है कि उसे 1-8-85

से प्रतिपक्षी के यहाँ दैनिक वेतन पर नियोजित किया गया था और उसे बिना किसी पूर्व सूचना के 29-7-87 से नौकरी से हटा दिया गया। इस बीच उसने 240 दिन से अधिक समय तक काम किया है और नौकरी से निकालने से पूर्व उसे एक माह का नोटिस अथवा नोटिस वेतन नहीं दिया गया और न मुआवजे का भुगतान किया गया, न प्रस्तावित किया गया। प्रदर्श डब्ल्यू. 1 इस श्रमिक की हाजिरी का विवरण-पत्र है जिसमें उसके द्वारा प्रतिपक्षी के यहाँ 245 दिन तक काम करने का वर्णन है और इस पर प्रतिपक्षी के अधिकारी के दस्तखत होना प्रतीत होता है। श्रमिक द्वारा शपथ-पत्र में कहे गये तथ्यों का कोई खण्डन प्रतिपक्षी की ओर से नहीं किया गया। इस प्रकार प्रार्थी श्रमिक को प्रतिपक्षी द्वारा 29-7-87 से नौकरी से निकालना अवैध माना जाता है।

5. जहाँ तक राहत का प्रश्न है, श्रमिक ने अपने शपथ-पत्र में कहा है कि नौकरी से निकालने की तारीख से वह आज तक बेरोजगार है। इस तथ्य का भी कोई खण्डन प्रतिपक्षी नियोजक की ओर से नहीं किया गया। अतः प्रार्थी श्रमिक पिछली सम्पूर्ण मजदूरी व सेवा की निरन्तरता सहित पुनः सेवा में लिये जाने का अधिकारी माना जाता है तथा इस निर्देश को इसी प्रकार उद्तरित किया जाता है।

इस अधिनिर्णय को भारत सरकार, श्रम मंत्रालय को नियमानुसार प्रकाशितार्थ भिजवाया जावे।

जगदीश नारायण शर्मा, न्यायाधीश

नई दिल्ली, 16 फरवरी, 1994

का. आ. 706 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्टीग्रल कोच फैक्ट्री, मद्रास के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-94 को प्राप्त हुआ था।

[सं. एल — 41012/42/87—डी 2(बी) (पीटी)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 706.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Integral Coach Factory, Madras and their workmen, which was received by the Central Government on 15-2-1994

[No. L-41012/42/87-D.II(B)(Pl.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 7th day of October, 1993

PRESENT:

Thiru K. Sampath Kumaran. B.A. B.L., Industrial Tribunal.

Industrial Dispute No. 46/1988

(In the matter of reference for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Integral Coach Factory Madras.)

BETWEEN

Thiru K. Palani,
21, Madhavaram High Road,
Moolakadai,
Madras-600060.

AND

The General Manager,
Integral Coach Factory,
Madras-600038.

REFERENCE:

Order No. L-41012/42/87-D.II(B), dated 20-7-88 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 13th day of July, 1993 upon perusing the reference, claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiruvallargal T. Fenn Walter and Fredrick Castro Authorised Representatives for the Workman and of Thiru B. T. Seshadri, Advocate appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

This reference has been made for the adjudication of the following issue:

"Whether the Management of Integral Coach Factory, Indian Railways, Madras is justified in removing Sri K. Palani, Workman, Token No. 23/6007 Emp. No. 584444 ex-HSA/Gr. I, Fitter, from service with effect from 31-7-82? If not to what relief the said workman is entitled to?"

2. The Petitioner filed the following Claim Statement.—The petitioner entered service under the respondent as Khalasi on 6-5-77. During the material time he was working as Highly Skilled Grade-I in the mechanical department of the Integral Coach Factory, Madras. When he entered service on 6-5-77, the petitioner produced the community certificate, and the Transfer Certificate issued by Madhavaram High School, Madhavaram. The petitioner belongs to Hindu Kattunaicken community, a Scheduled Tribe. He was selected in the scheduled tribe quota. In the transfer certificate issued by Madhavaram High School produced by him at the time of entering service his date of birth has been given as 10-12-49, which is the correct date of birth. The community certificate and Transfer Certificate were duly verified and returned to the petitioner. The petitioner lost the Transfer Certificate issued by the Madhavaram High School, Madhavaram during the flood in 1988. The Community Certificate was retained by railway administration. It appears that certain investigation has been made behind the back of the petitioner. The Charge sheet (WP No. 8141/DAR) dated 21-7-81 falsely alleging that he belongs to Vanniyar community was issued. It was also alleged that the petitioner has studied only at T. V. High School Thondamandalam and not in Madhavaram High School and that he joined service by making misrepresentation. While the petitioner was studying in Madhavaram High School, his community has been wrongly entered as Vanniyar, and it is not known how it was made. However, correct entries were made in the service documents treating the petitioner as belonging to Hindu Kattu Naicken Community. In this connection a force of the enquiry was conducted. The Vigilance Officer appeared as Presenting Officer and conducted the case. The Prosecution totally failed to prove that the petitioner submitted the Transfer Certificate allegedly issued by Thondaimandalam T. V. High

School. The prosecution itself contended that the petitioner studied in Madhavaram High School. The date of birth found in the Transfer Certificate of Madhavaram High School and the date of birth entered in the railway service document is the same. The contention of the prosecution that he studied in Thondaimandalam T. V. High School is baseless and has not been proved. The date of birth found in the Transfer Certificate produced by the prosecution from Thondaimandalam T. V. High School is unrelated to the petitioner. The Enquiry Officer gave a finding as regards the first charge relating to the community certificate, that he was satisfied that the petitioner belongs to Hindu Kattu Naicken Community. But, he gave a finding that the petitioner has not studied in the T. V. High School, Thondaimandalam. The Enquiry Officer conducted the enquiry in a biased and prejudiced manner with a determination to hold that applicant guilty of the charges. The prosecution witness also admitted that the petitioner studied only at Madhavaram High School, Madhavaram. In spite of that the Enquiry Officer gave a finding that the petitioner misrepresented that he studied in Madhavaram High School, Madhavaram and found that the second charge has been proved. The petitioner never produced any certificate from T. V. High School, Thondaimandalam. But, an order dated 23-7-82 (WM/A/Shed/WP/8141/DAR) removing him from service was issued. The punishing authority had disagreed with the findings of the Enquiry Officer. But, without giving any opportunity to the petitioner, he issued the order of removing from service illegally and contrary to the rules. The Disciplinary Authority disagreed with the finding of the Enquiry Officer stating that the petitioner had produced a false certificate at the time of his appointment, which is perverse. The Disciplinary Authority disagreed with the finding of the Enquiry Officer and held that the petitioner is guilty of the charge of falsely stating that he belongs to Hindu Kattunaicken community. Without giving a reasonable opportunity to the petitioner the Disciplinary Authority straightaway removed him from service with effect from 31-7-82. His removal from service without affording any reasonable opportunity when the Disciplinary Authority had disagreed with the findings of the Enquiry Officer is unjustified, improper, illegal and contrary to the principles of natural justice. The petitioner preferred an appeal on 7-1-83 and was issued with an order by the appellate authority ordering him to rejoin as Khalasi. However, before joining as Khalasi, the Chief Mechanical Engineer cancelled the order dated 11-7-84 stating that his removal from service was just proper. The above said orders of removal from service, then reducing him to Khalasi, and once again passing the order of removal are unjust, improper and illegal. The findings of the Enquiry Officer are perverse, and in contravention of the rules and principles of natural justice. The railway administration relied upon various documents obtained behind his back without examining the concerned parties, and treating their statement recorded behind the back of the petitioner as legal evidence. The petitioner was denied of a reasonable opportunity. The order of removal from service by the Works Manager is illegal. He has no authority to remove the petitioner from service. The petitioner was drawing a salary of Rs. 1,300 per month at the time of his removal from service. Therefore, reinstatement of the petitioner with continuity of service, back wages and other attendant benefits may be ordered.

3. The Respondent filed the following Counter.—The petitioner applied for appointment to Class IV post in the Integral Coach Factory by his application dated 10-3-77, wherein he has given his date of birth as 12-6-1955, and his father's name as D. Krishnaswamy. The petitioner has stated in that application that he had attached a copy of certificate in proof of his date of birth, the attested copy of certificate in proof of educational qualification, and also a certificate in proof of his community. In that application he has given his community as Kattunaicken community and has also stated that he belongs to Scheduled Tribe. The petitioner was given appointment as Khalasi, and he joined the service on 6-5-77. An investigation regarding the community certificate and Transfer certificate was taken up by the Vigilance branch in 1980. It was found during the course of the investigation that the petitioner had produced at the time of his appointment, the School transfer certificate issued by the Headmaster, Thondaimandalam T. V. High School, and that the Transfer certificate issued to him and

produced by him was false. The community certificate produced by the petitioner was also examined. The Tahsildar concerned when contacted, stated that the Community Certificate issued by him need not be considered. He had advised that the community 'Kattu Naicken' is not in existence in Saidapet Taluk that such certificate is not being issued by his Office for the community, and that the earlier certificate issued need not be dated upon. The petitioner, when interrogated by the Vigilance branch, had given a statement on 18-3-80 that at the time of appointment he had produced a certificate issued by Thondaimandalam T. V. High School, that he had not studied in that High School, but had studied in Madhavaram Board High School upto 7th Standard, and he left the school in 1967. The petitioner stated in as much as his caste has not been mentioned in the School Certificate originally studied, he produced a false certificate containing his caste as 'Kattu Naicken' which was procured by one Govindan.

4. In view of the fact that the petitioner obtained appointment on production of false certificate, the Charge sheet dated 21-7-81 was issued charging him with having produced false certificates at the time of his appointment and having falsely stated that he belongs to 'Kattu Naicken' community although he belongs to Hindu Vanniyar Community. The petitioner did not submit his explanation. The petitioner submitted a letter dated 12/13-2-82 to the Works Manager showing the records relating to his community. The petitioner was examined and the Assistant Vigilance Inspector who investigated into the case was also examined. The petitioner was found guilty of the first charge i.e. production of a false school transfer certificate, but he was found not guilty of the charge that he has falsely stated that he belongs to 'Kattu Naicken' community. The Works Manager, who is the competent authority to impose punishment, came to the tentative conclusion that the petitioner is guilty of both the charges. He did not agree with the findings of the Enquiry Officer as regards Charge No. 2. He found that Exhibit 2 is the only valid document for accepting the community, and that the exs. 4 to 7 are not valid. Exhibit 2 has been nullified by the Tahsildar. According to the Works Manager, the petitioner was guilty of both the charges and that he should be removed from service. By the order dated 23-7-82, the Works manager imposed the punishment of removal from service. The petitioner filed an appeal to the Additional Chief Mechanical Engineer. The Appellate Authority, after carefully considering the appeal, held that the procedure laid down under the rules have been complied with by the disciplinary authority that the findings are warranted by the evidence on record and that the penalty was justified. However, on humanitarian ground, he set aside the penalty of removal from service and reduced the punishment to that of reduction to a lower post namely Khalasi. The Chief Mechanical Engineer reviewed the case suo-motu and held that there was no ground for treatment of the case of the petitioner with sympathy or on humanitarian grounds, and the punishment of removal from service imposed by the Works Manager was justified. The Reviewing authority proposed to impose the punishment of removal and a Show cause Notice was issued to the petitioner. The petitioner submitted his reply, and the Chief Mechanical Engineer, after considering his representations and the connected papers, found that the petitioner was guilty of producing false certificate that he obtained employment by doing so, and is not a fit person to be retained in service. The petitioner was removed from service. The petitioner moved the Central Administrative Tribunal in OA 376 of 1986 but withdrew the same. The petitioner is not entitled to any relief under the Industrial Disputes Act. Having invoked the provisions contained in the Central Tribunal's Act, he is not entitled to again ask for reference under the Industrial Disputes Act. Having elected one remedy and having failed to pursue that remedy, the petitioner is not entitled to choose another remedy. Therefore, the reference is not valid. The petitioner, cannot, after six years, ask for a reference regarding his removal. On the ground of laches and default also the claim is liable to be dismissed. The petitioner belongs to Vanniyakula Kshatriya Community, which is not a Scheduled Tribe. The allegation that the petitioner produced Transfer Certificate from Madhavaram Board High School is incorrect. He produced Transfer Certificate issued by Thondaimandalam T. V. High School and the date of birth recorded was 12-6-55 and not 10-12-49. The allegation that the petitioner

lost his transfer certificate issued by Madhavaram Board High School during the flood in 1988 is meaningless. There was no flood in 1988 at all. The allegation that while he studied in Madhavaram Board High School his community was wrongly entered as "Vanniyar" and it is not known how such entry has been made is false.

5. The enquiry was conducted properly. No certificate from Madhavaram Board High School was ever produced at the time of his appointment, and, the allegation that the railway administration relied on that Transfer Certificate is incorrect. What was produced was the certificate purported to have been issued by Thondamandalam T. V. High School, which was proved to be a false certificate. The second charge was that the petitioner falsely stated that he belongs to 'Kattu Naicken' community although he belongs to Vanniyar community. The Enquiry Officer held that as the petitioner produced a certificate issued by Tahsildar this charge cannot be sustained, overlooking the fact that the charge was not that the petitioner produced a false certificate, but he had wrongly stated that he belongs to Kattu Naicken Community. The allegation that the petitioner was not given a reasonable opportunity is incorrect. After reduced of the penalty by the Additional Chief Mechanical Engineer, when the Reviewing Authority wanted to impose higher punishment no was given an opportunity before removal from service. The allegation that the removal from service was without giving a reasonable opportunity is incorrect. All the documents were put before the Enquiry and the petitioner, through his defence counsel cross-examined the witnesses. There has been legal evidence before the enquiry. The petitioner was made fully aware of those documents. The allegation that the Works Manager has no authority to remove the petitioner from service is meaningless. Therefore, the claim may be dismissed.

6. The petitioner filed the following reply statement.—There was community hatred against the Backward community, Scheduled Caste and Scheduled Tribe, and all the workers were dismissed from service on one or other false allegation. The vigilance department will write a letter to the Tahsildar and the Head Master of certain schools with a request to send a reply that the particular worker does not belong to the Scheduled Caste/Tribe/Community, and that particular worker had not studied in the particular school. Without making any verification and enquiry, the Head Master and Tahsildar will straight away send a reply to oblige. The Vigilance department, which is dominated by to their poverty and ignorance, were unable to fight back against the Vigilance department, which is dominated by brahmins, which played the mischief against the Scheduled Tribe/workman. It is usual for the vigilance department to threaten and coerce the workmen, and due to the unbearable harassment, the worker preferred to sign on the dotted lines. Taking advantage of those letters, the workmen were dismissed from service. The petitioner was taken to the Vigilance Office, threatened and coerced to sign in statements prepared by the Vigilance Officers. The petitioner had no other go but to sign. The Tahsildar has not conducted any enquiry, but has sent letters to the Railways, behind the back of the petitioner. The Tahsildar actively colluded with the Vigilance Department. The Tahsildar who discredited the certificate is to be examined as a Court witness. he has issued the letter without any basis, and no enquiry was conducted and the petitioner was not given an opportunity.

7. The issues that arise for consideration in this Industrial Dispute are :

1. Whether the petitioner herein produced a false school certificate from Thondamandalam T. V. High School at the time of his appointment with the respondent ?

2. Whether the petitioner herein does not belong to Kattu Naicken community and had falsely stated that he belonged to the community at the time of his appointment with the respondent ?

3. Whether the order of the respondent in removing the petitioner from service is justified ?

8. Points 1 to 3.—Exhibit W-6 is the charge sheet issued against the petitioner which reads as follows :—

(i) That the said Sri K. Palani at the time of his appointment in Integral Coach Factory, in May 1977 produced a false Transfer Certificate indicating that he studied in Thondamandalam T. V. High School, Mint Street, Madhavaram, Madras-16.

(ii) Sri K. Palani has falsely stated that he belonged to Kattu Naicken community which is a Scheduled Tribe, although he belongs to Hinnu Vanniar which is not a Scheduled Tribe. Sri K. Palani, by his above act created the administration and thus failed to maintain absolute integrity and acted in a manner, unbecoming of a railway servant, thereby violated Rules 3(1)(i) and 3(1)(iii) of the Railway Services (conduct) Rules, 1966.

9. The petitioner had not submitted any explanation to this charge sheet, but had sent a letter (Exhibit W-5) dated 12.13-82 sending certain records. The enquiry was conducted against him, and the proceedings of the enquiry have been marked as Exhibit W-7. The Enquiry Officer found him guilty only of the first charge that he produced a false certificate from Thondamandalam T. V. High School. The findings of the Enquiry Officer have been marked as Exhibit W-8. The disciplinary authority accepted this finding of the Enquiry Officer. With regard to the second charge that the petitioner falsely stated that he belongs to Kattu Naicken community, the Enquiry Officer found him not to be guilty. But, the Disciplinary Authority disagreed with him and found that the petitioner was guilty of that charge, also. The conclusion of the Disciplinary Authority has been marked as Ex. W-9. Ultimately, the petitioner was removed from service with effect from 31-7-82 under Exhibit W-10. An appeal was filed by the petitioner to the Additional Chief Mechanical Engineer. (Exhibit W-11 dated 13-8-82). The Additional Chief Mechanical Engineer though found that the removal is justified, or humanitarian consideration, set aside the order of removal but reduced the punishment to that of reduction to lower rank i.e. to the post of Khalasi (Ex. W-12 dated 18-4-83). But, the Chief Mechanical Engineer on a review of this case, ordered that there is no ground for treatment of the petitioner's case on sympathy, that the punishment of reduction in rank, was inadequate, and that the removal already imposed was justified. On coming to such a provisional conclusion (Ex. W-13 dt. 9-5-83), the petitioner herein was called upon to put forth his case against the same, for which the petitioner sent a reply (Ex. W-14 dt. 14-5-83). But, the Chief Mechanical Engineer ultimately set aside the order of reduction in rank, and confirmed the order of removal (Under Ex. W-15 dt. 28-10-83). The petitioner filed an appeal to the General Manager of the respondent, which was dismissed under Exhibit W-18 dated 17-11-84.

10. In these circumstances, we have to first find out whether the petitioner herein produced a false school certificate from Thondamandalam T. V. High School at the time of his appointment with the respondent. Exhibit M-10 dated 10-3-77 is the application presented by the petitioner herein seeking appointment. The petitioner admitted in his evidence that exhibit M-10 is the application given by him for appointment. In Exhibit M-10 his father's name has been given as D. Krishnasamy against Column No. 2. His date of birth has been given as 12-6-55 against column no. 4. Against column no. 5 it has been mentioned that he had passed 8th standard. Against column no. 16 requiring him to state whether he had attached attested copy of certificate in proof of his date of birth, he has ticked the answer "Yes". Similarly with regard to the educational qualification, he has ticked the answer 'Yes' against column. 17. So, it is evident that he has mentioned in Exhibit M-10 that his date of birth as 12-6-55, that he had passed 8th standard, and that he has also mentioned that he has produced the proof for the same. Exhibit M-12 is the copy of the Transfer Certificate which, according to the respondent, the petitioner produced alongwith his application for appointment. In Exhibit M-12, we find the name of the petitioner, his community as Kattu Naicken, his date of birth as 12-6-55 and also that he had passed 8th standard. This is in conformity with the particulars given in the application Ex. M-10. But, the petitioner in his evidence (WWJ) stated that this was not the transfer certificate produced by him. According to the petitioner, he studied only

in Madhavaram Boys High School, that he produced a Certificate only from that school and that his correct date of birth is 10-12-49. The significance of this is that in his claim statement, the petitioner had stated that at the time of entering service, he had produced the necessary community certificate and transfer certificate issued by Madhavaram High School, Madhavaram, wherein his date of birth is given as 10-12-49, which is the correct date of birth. He has also stated that the transfer certificate issued by Madhavaram High School was lost in the floods. He has also stated that while he was studying in the Madhavaram High School, Madhavaram, his community has been wrongly entered as "Vanniar" and it is not known under what circumstances it was so done. The petitioner also stated in his evidence that during 1963-65, he studied in the Madhavaram Boys High School. He therefore contends that he could not have studied in Thondamandalam T. V. High School at all. He also contends that even according to the respondent he studied only in the Madhavaram Boys High School and therefore he could not have produced this certificate Exhibit M-12. But, the petitioner would not have produced the transfer certificate issued by the Madhavaram Board High School, because, admittedly that certificate describes him as belonging to the Vanniar community, whereas, the petitioner contends that he belongs to Kattu Naicken Community, which is a Scheduled Tribe. It is only against the Scheduled Tribe quota, that the petitioner has got this appointment. Therefore, if the petitioner had produced a certificate issued by Madhavaram Boys High School describing him as a Vanniar then the petitioner would not have got the job under the Scheduled Tribe quota. Therefore it is, that the petitioner must have produced the certificate from Thondamandalam T. V. High School (Ex. M-12) which describes him as belonging to the Kattu Naicken community. If we take into consideration the fact that the date of birth given as 12-6-55 and the educational qualification as 8th standard given in Ex. M-10 (the application tallies with those given in Ex. M-12 and also the fact that even according to the petitioner, his date of birth in the certificate issued by Madhavaram High School is 10-12-49, and that he has been described therein as belonging to "Vanniar" community, it will be obvious that the petitioner could not have produced a certificate from Madhavaram Board High School, but must have produced this certificate Ex. M-12 from Thondamandalam T. V. High School. The petitioner's contention that he could not have studied at two schools at the same time will be of no avail to him, because the contention of the respondent is that he had not studied in Thondamandalam T. V. High School, but had produced a false certificate as if he had studied there. Therefore, if we taken into consideration all these factors, it is evident that the petitioner had produced a false certificate from Thondamandalam T. V. High School at the time of his appointment with the respondent.

11. The next charge against the petitioner is that he falsely stated that he belongs to Kattu Naicken Community which is a Scheduled Tribe, although he belongs to Hindu Vanniar community which is not a Scheduled Tribe. The respondent denied this and states that he belongs to Kattu Naicken community. Exhibit M-11 is a copy of the community certificate produced by the petitioner alongwith his application for appointment. In Exhibit M-11 it has been stated that he belongs to Kattu Naicken Community which is a Scheduled Tribe. But, the respondent has produced exhibit M-22 which is a communication from the Tahsildar, Saidapet, dated 30-11-80 which is in reply to the respondent's communication dated 3-9-80. Exhibit M-22 mentions that the respondent had called for the community details in respect of the present petitioner and another, that they had produced community certificates as if they belong to Kattu Naicken Community, and that the respondent has also enumerated in its letters the circumstances under which they have obtained community certificates, and it is clear from them that the certificates are not correct. It has also been mentioned in exhibit M-22 that the community 'Kattu Naicken' is not in existence in this (Saidapet) taluk, and certificates are not being issued by this office for that community as a matter of rule. It has also been requested in that letter that the community certificates reported to be issued by that office need not be acted upon. This apart, the petitioner has also stated in his evidence before this Court as WW1 that he does not know as to how his community was mentioned as Vanniar in the Madhavaram High

School, and that it was written wrongly. Therefore, the respondent contends that it will be clear that the petitioner does not belong to Kattu Naicken Community, but belongs to Nanna Kattu Kshatriya community, which is not a Scheduled Tribe. But, the petitioner has produced Exhibit W-1 series which also contains a copy of the community certificates issued to the petitioner in the year 1975, in the year 1980 and also on 30-12-82. When it is stated in Ex. M-22 on 30-11-80 that the taluk office, Saidapet does not issue as a matter of rule certificates regarding this community and that this community is not in existence in Saidapet. The Tahsildar, Saidapet has issued a certificate in the year 1982 that the petitioner belongs to Kattunaicken community. Exhibit W-33 is the community certificate issued to the petitioner on 30-12-82 certifying that he belongs to Kattu Naicken community, which is a schedule tribe. Ex. M-16 is the copy of another such certificate issued in the year 1977. Ex. W-3 series contains such a certificate issued on 2-4-80. Further, the brother of the petitioner has been examined as WW2 and he deposed that he belongs to Kattunaicken community and that the certificate issued to him to that effect by the Tahsildar is Ex. W-36. Ex. W-36 was issued on 30-12-82, certifying that WW2, the brother of the petitioner herein belongs to Hind Kattunaicken community, a Scheduled Tribe. It was only suggested to him that it is not true. But, as rightly pointed by the Learned Counsel for the petitioner, his Court cannot go into the question whether the certificate issued by the Tahsildar is a proper certificate or not. In spite of the fact that in Ex. M-22 it has been stated by the Taluk office that as a matter of rule they do not issue community certificate regarding this community, and that this community Kattunaicken does not exist in Saidapet Taluk, 2 years thereafter i.e. in 1982 the taluk office has given certificates not only to the petitioner but also to his brother certifying that they belong to Kattunaickes community. Even in the statement given to the Vigilance Officer (Ex. M-21) the petitioner has stated that he belongs to Kattunaicken community. Therefore, taking into consideration all these circumstances, I find that the charge against the petitioner that he had falsely stated that he belongs to Kattunaicken community has not been established.

12. The Enquiry Officer found that this second charge has not been proved. But the Disciplinary Authority disagreed with him and held that both the charges have been proved and passed the order dismissing him from service. The petitioner presented an appeal Exhibit W-11 to the Additional Chief Mechanical Engineer who, though found that the removal was justified, held that on humanitarian considerations, the punishment can be reduced to one of reduction in rank i.e. to that of Khulasi. But, the Chief Mechanical Engineer suo motto took up a review and found that there was no case for treating the petitioner's case with sympathy, set aside the order reducing the petitioner in rank and held that the order of dismissal was justified. The petitioner has taken a plea that he was not given any opportunity to put forth his case. But, we find that on this proposal the petitioner was given an opportunity as per exhibit W-13. The petitioner has even sent a reply Ex. M-14. It is only thereafter that the order of dismissal has been confirmed under Ex. W-15. Therefore, this contention of the petitioner cannot be accepted.

13. But in view of my finding that the petitioner had produced a false school certificate, the petitioner will not be entitled to reinstatement. The production of such a false certificate was only with an intent to get a job under the Scheduled Tribe quota. As pointed out already, in the school wherein he really studied, he had been described as a 'Vanniar' even on the admission of the petitioner. If he had produced the certificate from that school, the petitioner would not have got appointment under the Scheduled Tribe quota. Therefore he produced a false certificate as if he studied in Thondamandalam T. V. High School, giving his community as 'Kattunaicken'. This is certainly a grave misconduct calling for the punishment of dismissal from service and it cannot be stated that the punishment of removal is disproportionate.

14. In the result an award is passed holding that the Respondent-Management of the Integral Coach Factory was justified in removing the petitioner-workman from service, and that the petitioner is not entitled to any relief. No costs.

Dated, this the 7th day of October, 1993.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.W.1 : Thiru K. Palani (Petitioner-Workman).
W.W.2 : Thiru K. Chandrababu.

For Management :

M.W.1 : Thiru K. Venkataraman

DOCUMENTS MARKED

For Workman :

Ex. W-1/Serial : Xerox copy of Transfer Certificate of K. Palani, the Petitioner-Workman, issued by M. M. Middle School, Periya Kodingaiyur, Madras, Community Certificate, record sheet and other documents relating to the Petitioner workman and others.

Ex. W-2/21-11-78 : Orders with reference to Community Certificate (Xerox copy).

Ex. W-3/1980 : Community Certificate of Petitioner-Workman issued by Deputy Tahsildar, Saidapet (Xerox copy & True copy).

Ex. W-4/15-10-81 : Letter from the Management to the Petitioner-workman granting seven days time to submit his reply to charge memo.

Ex. W-5/12-2-82/13-2-82 : Letter from the petitioner-workman to the Respondent.

Ex. W-6/12-3-82 : Charge sheet issued to the petitioner-workman (Xerox copy).

Ex. W-7 : Proceedings of the Enquiry Officer (Xerox copy).

Ex. W-8/24-5-82 : Findings of the Enquiry Officer (copy).

Ex. W-9 : Findings of the Enquiry Officer (Xerox copy).

Ex. W-10/23-7-82/22-7-82 : Order of removal from service issued to the Petitioner-workman (Xerox copy).

Ex. W-11/13-8-82 : Appeal preferred by the petitioner-workman to the A.C.M.E./Shell, I.C.F., Madras-38.

Ex. W-12/18-4-83 : Order of the Additional Chief Mechanical Engineer/Shell, I.C.F., Madras-38 reducing the punishment to that of reduction to lower post of Khulasi (Xerox copy).

Ex. W-13/9-5-83 : Memorandum issued by Chief Mechanical Engineer to the Petitioner-workman reviewing and justifying the punishment of removal from service (Xerox copy).

Ex. W-14/14-5-83 : Reply by Petitioner-workman to Ex. W-13 (copy).

Ex. W-15/28-10-83 : Order of the Chief Mechanical Engineer confirming the penalty of removal from service (Xerox copy).

Ex. W-16/20-1-84 : Appeal preferred by the Petitioner-workman before the General Manager, I.C.F., Madras-38 against removal from service (copy).

Ex. W-17/10-9-84 : Letter from the Petitioner-workman to General Manager, I.C.F., Madras-38 requesting to reinstate him in service (copy).

Ex. W-18/17-11-84 : Order of the Sr. Personnel Officer, I.C.F., on Ex. W-17.

Ex. W-19/24-11-84 : Letter from Petitioner-workman to the Management requesting to reinstate him in service (copy).

Ex. W-20/24-1-85 : Letter from Petitioner-workman to the Management requesting to reinstate in service (copy).

Ex. W-21/30-3-85/1-4-85 : Letter from Petitioner-workman to the Management for reinstatement or to forward all his papers to the Chairman, Railway Rates Tribunal, Madras-8 for adjudication (copy).

Ex. W-22/12-6-85 : Petitioner's Advocate's notice to the Management.

Ex. W-23/8-7-86 : Order of Central Administrative Tribunal, Madras Bench in O.A. No. 376/86.

Ex. W-24/8-6-87 : Letter from the Petitioner-workman to the Under Secretary, Ministry of Labour, Government of India, New Delhi, regarding his dismissal from service (copy).

Ex. W-25/20-7-87 : Letter from the Petitioner-workman to the Under Secretary, Ministry of Labour, Govt. of India, New Delhi in continuation of the Petitioner-workman's letter dated 8-6-87. (copy).

Ex. W-26/24-8-87/1-9-87 : Letter from the Petitioner-workman to the Under Secretary, Ministry of Labour, Govt. of India, New Delhi requesting reinstatement or to give direction (copy).

Ex. W-27/11-9-87 : Letter from the Secretary to the Hon'ble Speaker, Lok Sabha, Secretariat, New Delhi to the Private Secretary to Railway Minister, New Delhi regarding plea against perverse and abnoxious removal from service of the Petitioner-workman.

Ex. W-28/12-10-87 : Letter from the Petitioner-workman to the Under Secretary, Ministry of Labour, Govt. of India, New Delhi (copy).

Ex. W-29/4-4-88 : Letter from the Petitioner-workman to the Hon'ble Chief Justice of India, Supreme Court of India, New Delhi (copy).

Ex. W-30/25-4-88 : Letter from Under Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions, New Delhi to the Petr. workman.

Ex. W-31/30-4-88 : Letter from the Petitioner-workman to the Chairman, Ministry of Railways, Railway Board, New Delhi (copy).

Ex. W-32/4-5-90 : Letter from the Petitioner-workman to the Hon'ble Prime Minister (copy).

Ex. W-33/30-12-82 : Community certificate of the petitioner-workman issued by Tahsildar, Saidapet.

Ex. W-34 : Community Certificate of the Petitioner-workman issued by Deputy Tahsildar, Saidapet.

Ex. W-35/20-9-78 : Xerox copy of Sale Deed executed by Nammal, wife of Krishnaswami.

Ex. W-36/30-12-82 : Community certificate of Thiru K. Chandrababu, issued by Tahsildar, Saidapet.

Ex. W-37 : Record sheet of Thiru K. Chandrababu, issued by Head Master, A.N.M. Middle School, Peria Kodingaiyur, Madras.

For Management :

Ex. M-1/15-10-81 : Letter from Management to the Petitioner-workman granting seven days time to submit his explanation to the charge memo.

Ex. M-2/12-2-82/13-2-82 : Letter from the Petitioner-workman to the Management in reply to Ex. M-1.

Ex. M-3/9-3-82 : Letter from the Petitioner-workman to the Management nominating defence counsel.

Ex. M-4/23-7-82/27-7-82 : Order of removal from service of the Petitioner-workman (copy).

Ex. M-5 : Signature of the Petitioner-workman in Ex. M-21 statement.

Ex. M-6 : Signature of the Petitioner-workman in Ex. M-20 statement.

- Ex. M-7/6-8-81 : Letter from the petitioner-workman to the Management requesting to grant one month time to submit his reply to the charge sheet.
- Ex. M-8/11-2-82 : Enquiry Notice issued to the Petitioner-workman.
- Ex. M-9/24-5-82 : Findings of the Enquiry Officer.
- Ex. M-10/10-3-77 : Application of the Petitioner-workman for recruitment to Class IV Post (Khalasi/Sanitary Cleaner) in I.C.F.
- Ex. M-11 : True copy of Community Certificate of the Petitioner-workman issued by Deputy Tahsildar, Saidapet (Xerox copy).
- Ex. M-12/16-6-70 : Transfer certificate of the Petitioner-workman issued by the Head Master, T.V. High School, Thondamandalam, Madras (Xerox copy).
- Ex. M-13/23-4-77 : Conduct Certificate of the Petitioner-workman by Dr. M. P. Sekar, Civil Assistant Surgeon, Govt. Central Hospital, Madras-3, (Xerox copy).
- Ex. M-14/23-4-77 : Conduct certificate of the petitioner-workman by Dr. R. Shanmugham, Civil Assistant Surgeon, Govt. Central Hospital, Madras-3 (Xerox copy).
- Ex. M-15 : True copy of the Conduct Certificate of the Petitioner-workman issued by the Head Master, T. V. High School, Thondamandalam, Madras (Xerox copy).
- Ex. M-16/9-3-77 : Community Certificate of the Petitioner-workman issued by Tahsildar, Saidapet (Xerox copy).
- Ex. M-17/4-5-77 : Oath of alligiance to the New State Indian Dominion given by the Petitioner-workman (Xerox copy).
- Ex. M-18 : Extract of page 78, 79, (46-A)-Vigilance Manual Vol. II Part II of Home Ministry's O.M. No. 5/1/65—Estt. (D) dated 30-4-1965.
- Ex. M-19 : Railway Board's letter No. 78E (SCT)15/29, dated 12-7-1978 (Xerox copy).
- Ex. M-20/7-2-81 : Statement of the Petitioner-workman recorded by the Assistant Vigilance Inspector.
- Ex. M-21/18-3-80 : Statement of the Petitioner-workman recorded by the Chief Vigilance Inspector.
- Ex. M-22/30-11-80/6-12-80 : Letter from Tahsildar, Saidapet to the General Manager (Vigilance), I.C.F., Madras-38 stating that the community "Kattunaicken" is not in existence in Saidapet Taluk (copy).
- Ex. M-23/12-11-79/13-11-79 : Letter from the Head Master, T. T. V. High School, Madras-1 to the General Manager (Vigilance), I.C.F., Madras-38 regarding verification of School certificate.
- Ex. M-24/5-11-79 : Letter from the Head Master, T. T. V. High School, Madras-1 to the General Manager (Vigilance), I.C.F., Madras-38 regarding verification of School certificate.
- Ex. M-25/8-4-80 : Confidential letter from the Head Master, Govt. Higher Secondary School, Madhavaram-60 to the Chief Vigilance Officer, I.C.F., Madras-38 regarding verification of the community of the petitioner-workman.
- Ex. M-26/18-3-82 : Letter from the Petitioner-workman to the Management (Xerox copy).

नई दिल्ली, 14 फरवरी, 1994

का. आ. 707:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में,
593 GI 94-6

केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोहाटी के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-94 को प्राप्त हुआ था।

[संख्या 12012/166/91 - आई आर (बी-2)]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 14th February, 1994

S.O. 707.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Guwahati as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 14-2-94.

[No. L-12012/166/91-IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL GUWAHATI ASSAM
REFERENCE NO. 1(C) OF 1992

PRESENT :

Shri J. C. Kalita, B.A. (Hons.) LL.B.,
Presiding Officer,
Industrial Tribunal,
Guwahati.

In the matter of an Industrial Dispute between—
The Management of Punjab National Bank.

AND

Their workman Sri Babul Nath, represented by Punjab National Bank Employees' Union (NER).

AWARD

The Govt. of India by Notification No. L-12012/166/91/IRB. II dated nil refers an Industrial Dispute between the Management of Punjab National Bank at Guwahati and their workman Shri Babul Nath for adjudication with a copy to the respective party. On receipt of this reference a case was registered and notices were sent to both the parties who on their appearance to before this Tribunal filed their written statements together with few documents.

The reference relates to the following issues—

"Whether the action of the management of Punjab National Bank in terminating the services of Shri Babul Nath, Sub-staff is justified? If not, to what relief is the workman entitled?"

The management in their written statement contended that Sri Babul Nath was engaged as a contractor in the year 1985 for running the canteen introduced under the welfare scheme of the Bank to supply the tea and other item to its employees on being paid by the canteen committee. He was never a workman of the Bank, and as such the dispute raised, cannot be called an "Industrial Dispute". The management has never engaged Babul Nath as subordinate staff at any time to discharge any work of the bank, nor paid any remuneration as claimed by the workman. Hence the question of termination or discontinuation from service does not arise at all, and he is not entitled to the relief claimed.

The workman in his written statement admitted the contention of the management that he originally worked as contractor of the canteen of the Bank, but his services were occasionally utilised by the Bank whenever there is a necessity. According to him the total sanctioned staff of subordinate cadre in Fancy Bazar Branch was 14, and the total strength

of the said cadre continued to work upto 1986. In 1987 one subordinate staff Sri K. C. Das was transferred to another Branch without substitute, and thereafter another subordinate staff Sri Ban Bahadur retired from service and no substitute was provided, resulting two vacancies in subordinate staff cadre. Because of the shortage of subordinate staff with increasing trend of workload the management engaged Sri Babul Nath as a workman to discharge the duties of subordinate staff as Sri Babul Nath was otherwise eligible for appointment against permanent vacancies. Instead of paying him due wages, the management used to pay him only Rs. 20/- per day without issuing any appointment letter and enrolling his name in the attendance register. When this unfair labour practice was questioned by the union the management terminated the workman with effect from 1-11-90 violating the provision of Shastry Award.

The unfair and arbitrary termination of service of the workman was agitated before the Assistant Labour Commissioner (C) Guwahati but got no relief, and the matter was finally referred to this Tribunal for adjudication.

Management in support of its contention examined one witness whereas the union examined two witnesses. Both the parties also proved few documents.

Exhibits 1 to 4 were the documents relating to provision for canteen to the Branch offices and how to run the canteen if it is installed. Witness Rabindra Ch. Chaudhury of management side affirmed the averments made in their written statement but in cross examination he admitted that Sri Babul Nath was sometimes engaged on daily rated basis @Rs. 20/- whenever any subordinate staff is on leave. Exhibit 'Ka' is a letter written by the Regional Manager to the Branch Manager of Fancy Bazar Branch questioning as to how Sri Babul Nath has been engaged to perform the duties of a Peon in subordinate cadre since 1987 by paying him Rs. 20/- per day. Ext. 'Kha' is the reply sent by the Branch Manager of Fancy Bazar Branch to the Regional Manager clarifying the necessity of his (Babul Nath) engagement to perform duties. Ext. 'Gha' shows how many days in a month have been worked by Babul Nath in the capacity of a subordinate staff of the Bank. The oral evidence of Mr. Rabindra Ch. Chaudhury supported by documentary evidence go to show that Sri Babul Nath had actually discharged the duties of a sub-staff of the Bank since 1987, and not as a canteen boy. This has made the Managements case shaky and unbelievable, rather supported the union's case as Sri Babul Nath was engaged as subordinate staff since 1987 on a daily rated basis without any appointment and without paying him the due wages.

Witness for the union deposed that they saw Sri Babul Nath working as sub-staff of the Bank since February, 1987. Though he worked as a casual employee he discharged the duties of a permanent staff after retirement of two sub-staff and transfer of another sub-staff. Now it is clear from the evidences of these two witnesses that the Branch Manager of Fancy Bazar Branch engaged Sri Babul Nath as a workman to discharge the duties of a subordinate staff of the Bank since February, 1987 till his termination on October, 1990. His engagement was done by an unfair means without issuing any appointment letter just to deprive him of his legal claim in getting wages extended to other sub-staff of the Bank.

It can be well said that his termination from service of the Bank resulted when the authority of the Branch Manager, engaging him as a peon was questioned by the Regional Manager by Ext. 'Ka' after he claimed permanent employment as per law. The submission of the representative of the Management that Sri Babul Nath was never a workman has no leg to stand in view of the contents of Ext. 'Ka' a letter written by the Regional Manager questioning how Babul Nath was engaged to perform the duties of a Peon. Emphasis is given on the word "Peon". Had he not been engaged as a workman the Regional Manager would have not used to word 'Peon' Ext. 'Ka'.

In reply to Ext. 'Ka' the Branch Manager of Fancy Bazar Branch by his letter dt. 12-1-91 (Ext. 'Gha') informed the Regional Manager about the number of days per month he had worked since 1987 till October 1990. This has proved how Sri Babul Nath worked continuously without any appointment letter and due wages. My attention has been drawn

to the terms and conditions of the service in Banking Industries by various Awards and the Bi-partite settlement under the Industrial Disputes Act.

Para 495 of the Shastry Award provides—Whether one is a temporary, probationer or permanent staff of the Bank shall be given a written order specifying the kind of appointment and the pay and allowances to which he would be entitled and such written order shall also be given on the appointment of a part time employee.

Under clause 496 of Sshastri Award the probationers shall be paid the same emoluments as are fixed for confirmed workman. But in case of Babul Nath, not to speak of appointment letter specifying the nature of appointment and his pay and allowances, he was engaged by paying him a nominal wage of Rs. 20/- per day and thereby violated the provision of the said clause.

Desai Award has finally dealt with the permanent, probationer, temporary and part time employee. Temporary employee means an employee who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase in work of permanent nature. Here it has been admitted that after retirement of one sub-staff and transfer of another total strength of the Branch came down to 12. As a result there was increase of works amongst the existing subordinate staff which necessitated the management to engage Sri Babul Nath to discharge the function of a subordinate staff. From the evidence of Management's witness and of the documents exhibited it can be well said that Sri Babul Nath performed the duties of a permanent nature. In my opinion, management ought to have reasonably and fairly looked into his permanent retention in the service after completion of more than three years of continuous services as sub-staff when there existed permanent vacancies.

It has been submitted that Shri Babul Nath has got the requisite qualification for a sub-staff with his name registered in Employment Exchange. In the Bipartite agreement it has been accepted that subject to Bank's recruitment rules, if any, the part time employee will be given preference for filling of the full time vacancy. Other things being equal under clause 20.8 of the Bipartite agreement, a temporary workman may also be appointed to fill up a permanent vacancy, provided that such temporary appointment shall not exceed a period of three months during which the Bank shall make arrangement for filling up the vacancy permanently. Thus it prohibits the Management from engaging any temporary employee for more than three months. But in case of Babul Nath his engagement exceeds not three months but three years. As he was in service for more than three years he ought to have been made permanent after three months of service with effect from 10-2-87.

Section 2(S) of the Industrial Dispute Act 1947 defines workman as any person (including an apprentice employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward whether the terms of employment be expressed or implied and for the purpose of any proceeding under this act in relation to an Industrial Dispute, including any such person who has been discharged, dismissed or retrenched in connection with or a consequence of, that dispute or whose dismissal, discharged or retrenchment has led to that dispute. From the evidence on record it can be said that Babul Nath was engaged for manual work for which he was rewarded by the Management @ Rs. 20/- per day. Once his service was hired on payment he comes under the purview of the said definition. As he worked for more than 3 months continuously as sub staff, and has got the requisite qualification to hold the post of sub-staff and there was vacancy, his retrenchment with effect from 1-1-90, instead of regularising his service, is in violation of the provisions of Industrial Dispute Act.

Record shows that Sri Babul Nath was terminated from service without a notice as required under Section 25(F) of the Industrial Dispute Act and without invoking the provision of para 515(S) of Sastry Award. Under this provision any order relating to discharge or termination shall be in writing and shall be signed by the Branch Manager and a copy of

such order shall be supplied to the employee concerned. From the discussions held above I am of the firm opinion that the management was not justified in terminating Shri Babul Nath from service after about 4 years of continuous service as a workman by virtue of which he ought to have made permanent when there was vacancy and he has got the requisite qualification. The decisions cited by the Management in support of its contentions have been found not acceptable here in this case.

Such kind of illegal termination by unfair means reflects how the management made him victimised when he claimed permanent retention as sub-staff and he needs to be reinstated. Accepting the provision of Desai Award it is ordered that Sri Babul Nath be reinstated in the service with full back wages and his service should be taken as a continued one from the date of joining in the Bank's service including the period of suspension, victimisation or discharge. All emoluments normally due to him should be paid to him taking the entire temporary period of management as part of his probationary period.

Considering the facts and circumstances of this case I find no reason to award cost against the management as claimed by the workman for such wrongful dismissal.

I give this AWARD on this 19th day of January, 1994 at Guwahati.

J. C. KALITA, Presiding Officer

नई दिल्ली, 16 फरवरी, 1994

का. आ. 708—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आंध्र बैंक के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार ने 15-2-94 को प्राप्त हुआ था।

[संख्या एल-12012/444/91-आई आर (बी-2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 708.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Hyderabad as shown in the Annexure in the Industrial Disputes between the employees in relation to the management of Andhra Bank and their workmen, which was received by the Central Government on 15-2-1994.

[No. L-12012/444/91-IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated the 5th day of February, 1994

INDUSTRIAL DISPUTE NO. 19 OF 1992

BETWEEN :

The Joint Secretary, Andhra Bank Employees' Federation, Room No. 3, 1st Floor, Unity House, Abids, Hyderabad-500 001. ... Petitioner

AND

The General Manager, Andhra Bank, Central Office-I, Sultan Bazar, Koti, Hyderabad ... Respondent

APPEARANCES :

Petitioner in person.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by an Order No. 12012/444/91-IR(B-II), dated 20-3-1992 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the management of Andhra Bank and their Workmen to this Tribunal for adjudication.

"Whether the action of the management of Andhra Bank, Hyderabad (AP) in transferring Sh. P. Bhaskara Rao, Joint Custodian by office Order No 666/3/B/TR. 1035 dated 29-12-87, without protecting the Special Allowance and without considering his application dated 16-4-88 for retention at Kodimial Branch and relieving him w.e.f. 26-9-88 is justified? If so, to what relief Sh. Y. Bhaskara Rao is entitled to?"

This reference was registered as Industrial Dispute No. 19 of 1992 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Federation read as follows :—

Mr. Y. Bhaskara Rao while working in Bank's Kodimial Branch of Karimnagar Region as a Clerk applied for request transfer to Vijayawada Region on 22-4-1985. He has been entrusted with Joint Custodian Shroff (Special Allowance drawing Clerical duties) of the same Branch vide Office Order dated 1-7-1986. The employee was served a transfer order to Vijayawada Region vide office order dated 29-12-1987, which he sought in 1985 when he was a Clerk. The Office order issued by Bank's Central Office effecting the transfer of the employee to Vijayawada region stated that 'the employee is not eligible for T.A. & D.A. as the transfer is effected at his request' but was silent about the special allowance entitlement, which is enjoyed by the employee since July, 1986. The employee requested the Central Office to cancel his transfer order, if the special allowances being paid to him is not protected. Even after his representation, the employee has not received any communication from Central Office regarding protection of this special allowance and was relied from Kodimial branch on 26-9-1988 which is against the terms of appointment order as Joint Custodian dated 1-7-1986. Para 5.9 of Bi-partite Settlement (Banking Companies), dated 19-10-1966 and Bank's Circular No 356, 3/36 dated 7-9-1987. The terms of appointment as Joint Custodian dated 1-7-1986 states as under :

"He (the employee) is eligible for 'Key Allowance' from the date of holding safe Keys of the branch and the Management would be prepared to consider an application from him for being allotted CLERICAL DUTIES provided, (a) He has completed a minimum period of ONE YEAR as Joint Custodian, (b) He agrees to do forge 'Key allowance payable to the joint custodian Para 5.9 of I Bipartite settlement between Indian Banks Association, Bombay and their Workmen, dated 19-10-1966, states as under : "A workman will be entitled to a special allowance only so long as he is incharge of such work or the performance of such duties which attract such allowance. Whether a workman can be asked to cease to do such or discharge such duties and consequently cease to draw such allowances will depend upon the TERMS OF HIS EMPLOYMENT. For instance a workman who is employed permanently as a Head Clerk or Stenographer can not be deprived of his special allowance by asking him to work as

an ordinary clerk or asking him not to work as a Head Clerk or Stenographer. If, however, a recipient of a special allowance wants to give up the work or duties which entitle him to the special allowance, he shall IF HIS REQUEST IS GRANTED, "cease to draw the special allowance". Central Office Cir. 356, ref. 3/36 dated 7-9-87 states as under :

"It is further clarified that an employee will not be eligible for special allowance duties permanently only when he opts for conversion to General Duties. In the instant case, Sri Bhaskara Rao has not given any representation for foregoing allowance, if his request transfer is accepted. On the contrary he sought Management to cancel his request in case Management withdraws his special allowance, Management arbitrarily has withdrawn his allowance and posted him to Vuyyur. Therefore, action of Management to transfer Sri Bhaskara Rao to Vuyyur after withdrawing special allowances that are being paid to him against all rules settlements and understandings. It is, therefore, just and necessary that Management may please be directed to restore special allowance to Sri Y. Bhaskara Rao from the day he reported at Vuyyur'.

3. The brief facts of the counter filed by the Respondent-Bank read as follows :—

It is true that on 2-4-1985, he submitted a representation to the Management requesting for a transfer to Vijayawada Region from Karimnagar Region. Though he represented for transfer during 1985, his request could be considered only during December, 1987 and transfer orders were issued to him by Central Office transferring him to Vijayawada region vide order dated 29-12-1987. While he was working at Kodimal Branch, vide order dated 1-7-1986, he was entrusted with the duties of joint custodian shroff in accordance with the provisions contained in the Settlement relating to procedure for entrustment of special allowance duties. The relevant clause read as under :

- "(2)(a) For the purpose of entrusting of Special Allowances, a place with more than one branch, Regional Office, will be considered as a Unit.
- (b) Branches situated in a district other than under 2(a) will be taken as separate UNIT.
- (c) Central Office and its departments will be taken as a separate UNIT.
- (d) Hyderabad Branch will be treated as separate UNIT besides twin city branches.
- (3) Employees working within the UNIT I can opt for the same. If more than one employee opts for one vacancy, the senior most amongst them will be entrusted with the duties. If, however, nobody opts for such a vacancy, the senior most in the UNIT shall be posted. The mode of intimating such vacancies to the UNITS be left to the Regional Authorities."

In terms of the special allowance agreement entered into between Andhra Bank Employees Union and the Management, as and when vacancy arises at a particular branch of a special allowance post, option letters shall be called from the eligible employees working within the unit and the senior most among the candidates who have applied shall be designated as joint custodian cashier. The special allowance is paid for the additional duties that are being performed by the employee concerned. It is true as mentioned in para 2, that Mr. Bhaskar Rao made representation for protection of special allowance on transfer, but the management could not accommodate him in the post of joint custodian cashier as it is not in conformity with the rules. The allegation that he is entitled for protection of special allowances per Circular No. 356, dated 7-9-87, is not correct. The entrustment of special allowance duties is based on the special allowance agreement, according to which, normally the seniormost in the unit or the seniormost

from among the employees who have opted for the post shall be entrusted with the special allowance duties. He has entrusted with joint custodian duty for which special allowance was paid. However, his claim that he should be continued to be paid special allowance or joint custodian cashier, whether he discharges his duties or not is not tenable. It may be submitted that special allowance is a performance allowance and unless the employee discharges the special allowance duties, he shall not be entitled for claiming the said allowance. It may be noticed that Sri Bhaskar Rao was relieved at Kodimal on 26-9-1988 and joined Vijayawada Region at Vururu Branch on 30-9-1988 and he is discharging the clerical duties, which do not involve any special skills or responsibilities. Hence the question of paying special allowance does not arise. Even under para 5.9 of the Bipartite Settlement it was made clear that when request is made for transfer, the special allowance is withdrawn. The claim of the employee that he shall be continued to be paid special allowance without performing the duties concerned is not tenable. It is submitted that the provisions quoted by the Petitioner himself would indicate that the workman concerned shall be entitled for special allowance as long as he is incharge for such work or he performs the duties which attract special allowance. The Petitioner consequent upon his transfer to Vijayawada region is not entrusted with any special allowance duties and hence, he is not entitled for any special allowance. Without prejudice to the rights of the Respondent, it is submitted that the reference made by the Government is bad in law. It cannot be under Section 10 Clause (D) Sub-Clause (1) of Sec. 2A of the I.D. Act. The reference is not maintainable under law and there are no merits in the petitioner's case.

4. The point for adjudication is whether the action of the Respondent in transferring Sh. Y. Bhaskara Rao, without protecting the Special Allowance and without considering his application dated 16-4-1988 for retention at Kodimal Branch and relieving him w.e.f. 26-9-1988 is justified ?

5. No oral or documentary evidence has been adduced by both parties.

6. The allegation of the Petitioner Union that Sri Y. Bhaskara Rao while working in Bank's Kodimal Branch of Karimnagar Region as a Clerk applied for transfer to Vijayawada Region on 22-4-1985, that in the year July, 1986 he has been entrusted with Joint Custodian Shroff (Special Allowance drawing Clerical duties in the same Branch, that he was served with a transfer order to Vijayawada Region vide Office Order dated 29-12-1987 and that office order issued by Bank's Central Office effecting the transfer of the employee to Vijayawada region stated that the employee is not eligible for T.A. & D.A. as the transfer is effected at his request, but was silent about the special allowance entitlement which is enjoyed by the employee since July 1986. Immediately Sri Y. Bhaskar Rao sought Central Office clarification regarding protection of his special allowance vide letter dated 10-5-1988 before his relief from Kodimal Branch and also requested the Central Office to cancel his transfer order. If the special allowances being paid to him is not protected. No communication was received from the Central Office and was relieved from Kodimal Branch on 26-9-1988 which against the terms of appointment order as Joint Custodian dated 1-7-1986. The Petitioner Union relied upon the terms of appointment as Joint Custodian dated 1-7-1986.

7. The contention of the Respondent Bank that on 2-4-1985 Sri Bhaskar Rao submitted a representation to the Management requesting for a transfer to Vijayawada Region from Karimnagar Region, and transfer orders were issued to him by Central Office transferring him to Vijayawada region vide order dated 29-12-1987, that while he was working at Kodimal Branch, vide order dated 1-7-1986 he was entrusted with the duties of Joint Custodian Shroff in accordance with the provisions contained in the settlement relating to procedure for entrustment of special allowance duties, that the transfer order was given and as an after thought, the employee vide letter dated 10-5-1988 sought the Respondent-Bank to protect the special allowance which is not practically possible, but the Management could not accommodate him in the post of joint custodian cashier, as it is not in conformity with the rules.

8. A perusal of Office Order dated 1-7-1986 issued by Regional Office, Karimnagar, Andhra Bank would indicate that Mr. Y. Bhaskara Rao, Staff No. 6136, Clerk Kodimal Branch is entrusted with Joint Custodian Shroff duties of the same Branch, he is eligible for 'Key Allowance' from the date of holding the keys of that branch. In order to give him an opportunity to widen his knowledge in various types of Banking Operations, the Management would be prepared to consider an application from him for being allotted Clerical duties provided (a) He has completed a minimum period of one year as Joint-Custodian (b) He agrees to forgo 'Key Allowance' Payable to the Joint-Custodian." Here in this case Sri Y. Bhaskar Rao has not forgone 'Key Allowance' in his transfer application. Moreover Sri Y. Bhaskar Rao sought the Management to cancel his request in case Management withdraws his special allowance. Even to this request the Management did not issue any communication regarding the protection of his special allowance and was relieved from Kodimal Branch on 26-9-1988 against the terms of appointment order as Joint Custodian. Para 5.9 of Bi-partite Settlement between Indian Banks Association, Bombay and their Workmen dated 19-10-1966 states that "A workman will be entitled to a special allowance only so long as he is in charge of such work or the performance of such duties which attract such allowance. Whether a workman can be asked to cease to do such or discharge such duties and consequently cease to draw such allowance will depend upon the TERMS OF HIS EMPLOYMENT. For instance a workman who is employed permanently as Head Clerk or Stenographer cannot be deprived of his special allowance by asking him to work as an ordinary clerk or asking him not to work as a Head Clerk or Stenographer. If, however, a recipient of a special allowance wants to give up the work or duties which entitle him to the special allowance, he shall IF HIS REQUEST IS GRANTED cease to draw the special allowance". Yet in another Central Office Circular No. 356, Ref. 3/36, dated 7-9-1987 states as follows: "It is further clarified that an employee will not be eligible for special allowance duties permanently only when he opts for conversion to General Duties.

Here also Sri Y. Bhaskar Rao did not opt for conversion to General duties or he gave up the work or duties which entitle him to the special allowance. Therefore, I find the action of management to transfer Sri Bhaskara Rao to Vuyyur after withdrawing special allowances that are being paid to him are against the rules, settlement and understandings. I find that it is just and proper to restore special allowance to Sri Y. Bhaskara Rao from the day he reported to Vuyyur Branch.

9. In the result, the action of the Management of Andhra Bank, Hyderabad (AP) in transferring Sri Y. Bhaskara Rao, Joint Custodian by office Order No. 666/3/B TR-1635 dated 29-12-1987, without protecting the Special Allowance and without considering his application dated 16-4-1988 for retention at Kodimal Branch and relieving him w.e.f. 26-9-1988 is not justified. The Management is directed to restore Special Allowance to Sri Y. Bhaskara Rao from the day he reported at Vuyyur, and pay the arrears.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 5th day of February, 1994.

Y. VENKATACHARIAM, Industrial Tribunal-I
Appendix of Evidence

NIL

नई दिल्ली, 15 फरवरी, 1994

का.आ. 709.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, युनियन बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार अथवा न्यायालय एतना-

कुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-2-94 को प्राप्त हुआ था।

[सं. एल-12012/341/89-डी-II ए]

सी. गंगधरन, डेस्क अधिकारी

New Delhi, the 15th February, 1994

S.O. 709.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Labour Court, Ernakulam shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 15-2-1994.

[No. L-12012/341/89-D.II(A)]
C. GANGADHARAN, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(Labour Court, Ernakulam)

Monday, the 31st day of January, 1994

PRESENT:

Shri M. V. Viswanathan, B.Sc., LL.B., Presiding Officer
Industrial Dispute No. 3 of 1990 (C)

BETWEEN

The Regional Manager, Union Bank of India, M. G Road, Ernakulam, Cochin-682011.

AND

The General Secretary, Union Bank of India Employees Union (K) C/o Union Bank of India, Elamkulam (West) Branch, Panampilly Nagar, P. B. No. 1829, Ernakulam. Cochin-682016.

REPRESENTATIONS:

M/s. T. L. Ananthasivan and
Biju Varghese, Advocates,
Ernakulam, Kochi-682016. ...For Management
M/s. P. Santhalingam and
N. S. Aravindakshan,
Advocates, Ernakulam. ...For Union

AWARD

This industrial dispute was referred to this Court by the Central Government as per Order No. L-12012/341/89-D.II(A) dated 14-2-1990. The dispute is between the management of Union Bank of India and their workman Sri Hareendran, Head Cashier-cum-Clerk at Angamally Branch. The workman concerned is represented by the General Secretary, Union Bank of India Employees Union. The issue referred for consideration is "Whether the action of the Union Bank of India in dismissing Sri Hareendran, Head Cashier-cum-Clerk at Angamally Branch without notice was justified. If not, to what relief Sri Hareendran is entitled to?"

II. The workman concerned Sri Hareendran was employed under the management bank. He was chargesheeted by the management for misconducts in connection with his employment as Head Cashier-cum-Clerk at the Angamally Branch of the management bank. A domestic enquiry was conducted to enquire into the charges levelled against the workman. He was found guilty of charges and thereby the disciplinary authority imposed the punishment of dismissal from service. The workman concerned raised an industrial dispute and it resulted in the present reference.

III. The validity of the domestic enquiry and the findings thereon were challenged by the Union representing the workman. So this court was pleased to consider the validity of the domestic enquiry and findings thereon as a preliminary

issue. By the preliminary order dated 24-11-1993 this court upheld the domestic enquiry and findings thereon. The above said preliminary order is extracted below :

“PRELIMINARY ORDER

The workman concerned Sri Hareendran was employed under the Management Bank. He was served with memorandum of charges dated 19-1-1987 alleging misconducts. A domestic enquiry was ordered to enquire into the charges levelled against the workman. The enquiry officer found the workman concerned guilty of the charges of misconduct. The disciplinary authority imposed the punishment of dismissal from service. The union representing the workman raised an industrial dispute and it resulted in the present reference.

2. The validity of the domestic enquiry has been challenged by the union representing the workman. So this court was pleased to consider the validity of the domestic enquiry as a preliminary point. The point for consideration is “Whether the domestic enquiry conducted against the workman concerned Sri V. Hareendran, Head Cashier-cum-Clerk is valid and proper?”

3. The Point.—The General Secretary of the Union filed a detailed claim statement. The main allegations levelled against the domestic enquiry are :

1. The enquiry officer acted as disciplinary authority also.
2. The documents were not marked properly.
3. The workman was not permitted to adduce defence evidence.
4. The enquiry officer himself imposed the punishment.
5. The enquiry officer was biased and so the enquiry is vitiated.
6. The list of witnesses and list of documents were not served in advance.
7. The workman concerned was not permitted to engage a lawyer of his choice to defend him in the domestic enquiry.

4. The enquiry officer was examined before this court as MW1. Ext. M1 to M4 documents were marked through MW1. Ext. M1 is the order appointing Sri I. D. Benjamin Deputy Manager (P) as the enquiry officer as well as the disciplinary authority. So as per Ext. M1 order, MW1 was vested with the right and authority to take disciplinary action against the workman concerned. Ext. M2 is the Staff Circular No. 2309 dated 28th May, 1981 issued by Manager, Industrial Relations. Ext. M2 Circular would show that the disciplinary authority can delegate the power to another person and thereby the person who is authorised to take disciplinary action is also got the power to conduct an enquiry into the charges levelled against the delinquent employee. It is come out in evidence that Ext. M2 circular is issued in accordance with the bi-partite settlement entered into between the management and the union. Ext. M3 is the enquiry file containing the enquiry proceedings, enquiry report and the findings and the connected papers. Ext. M4 is copy of the letter dated 16-12-1986 submitted by the workman concerned through the Branch Manager of Angamally Branch of the management Bank. As per Ext. M4 letter the workman concerned has admitted his guilt.

5. MW1 has categorically deposed that the enquiry was conducted following the principles of natural justice. He has also deposed that the workman concerned was given sufficient opportunity to defend his case in the enquiry. It is further deposed that the workman was represented in the enquiry by the General Secretary of the union. He further deposed that all the management witnesses were cross-examined by the defence representative. He categorically deposed that the workman was given the list of witnesses and list of documents and no prejudice has been caused to the workman in conducting the domestic enquiry. He further deposed that he had the authority to impose the punishment in his capacity as disciplinary authority. Thus the evidence of MW1 would show that the domestic enquiry was conducted in a just and

proper manner by observing the principles of natural justice. There is no ground to disbelieve the testimony of MW1.

6. The defence representative who participated in the domestic enquiry on behalf of the workman concerned has been examined before this court as WW1. But a perusal of testimony of MW1 and WW1 would show that there was no prejudice caused to the workman in conducting the domestic enquiry. It is true that the workman was not permitted to engage a lawyer to defend him in the domestic enquiry. But it is to be noted that the presenting officer was not a legally trained person. But he is only an officer of the management bank. On the other hand the General Secretary of the union was permitted to defend the case on behalf of the workman concerned. It is come out in evidence that the defence representative was well experienced man in defending domestic enquiries. WW1 has deposed that he had acted as defence representative in a number of domestic enquiries. So no prejudice has been caused to the workman by the refusal to engage a defence lawyer.

7. A perusal of Ext. M3 enquiry file would show that the workman concerned was given sufficient opportunity to defend his case in the domestic enquiry. The management witnesses were cross-examined by the defence representative. The list of documents and the list of witnesses were given to the workman concerned. The mere fact that the list of documents and copies of documents and list of witnesses were not given in advance cannot be taken as a ground to hold the enquiry as vitiated. But the workman or his defence representative had no case in the enquiry that sufficient opportunity has not been given to peruse the documents or cross-examine the management witnesses. But on the other hand the defence representative cross-examined the management witnesses with respect to the documents produced. There is nothing wrong in marking the documents through the management witnesses. MW1 categorically deposed that the original of the documents were available for perusal and he marked the photostat copies of those originals for convenience. It is further to be noted that the workman or the defence representative has no case that the photostat copies marked in the enquiry are not the true copies of the original documents. Thus there is nothing wrong in marking the photostat copies which are the true copies of the originals.

8. The other case of the union is that the Regional Manager of the management bank has not been examined in the enquiry. But it is to be noted that the workman was given the opportunity to take steps for examining the Regional Manager as defence witness. But the workman did not take any steps to get the manager as a witness on his side. It is further to be noted that the workman concerned has no right or authority to direct the management to examine the witnesses of his choice. But it is the discretion of the management to cite witnesses to support the charges levelled against the workman. The mere fact that the enquiry officer had the authority to summon any of the bank employee cannot be taken as a ground to hold that the workman was not given the opportunity to examine a witness of his choice. The management has the liberty and discretion to choose the witnesses to support the charges. It is further to be noted that the findings in the enquiry are based on the evidence recorded in the enquiry. There is nothing on record to hold that the enquiry officer has considered or relied on any evidence other than the evidence recorded in the enquiry to come to his conclusion in the enquiry. So the mere fact that the enquiry officer did not take any steps to summon the Regional Manager of the bank cannot be taken as a ground to hold that opportunity was denied to the workman in defending his case. But on the other hand the evidence on record would show that the workman was given sufficient opportunity to adduce defence evidence.

9. The case of the union that the enquiry officer was biased cannot be accepted. There is nothing on record to hold that the enquiry officer was biased in any manner. On the other hand the evidence of MW1 would show that he acted in an impartial and independent manner. So the said case of the union cannot be accepted. The enquiry officer was authorised to impose the punishment, on the basis of the findings in the enquiry. He was authorised to act as the disciplinary authority, as per Ext. M1 authorisation. It is come out in evidence that the said authority was given to the enquiry officer in accordance with the provisions contained in the Bi-partite Settlement. So there is nothing wrong in giving

the enquiry officer, the authority to impose punishment, on the basis of the findings in the enquiry. The available evidence and the facts and circumstances would show that the enquiry was conducted in accordance with the principles of natural justice. There is nothing on record to hold that prejudice has been caused to the workman concerned in conducting the domestic enquiry. A perusal of the enquiry report and the findings thereon would show that the enquiry officer has appreciated the entire evidence on record and arrived at a just and proper conclusion. Thus the findings of the enquiry officer are based on evidence on record. There is no ground to set aside the findings of the enquiry officer. The Ext. M4 letter issued by the workman concerned would strengthen and support the findings of the enquiry officer. In Ext. M4 letter the workman concerned had in fact admitted his guilt. Hence I hold that the domestic enquiry and the findings thereon are valid and proper.

10. In the result, the domestic enquiry is upheld."

IV. The remaining point for consideration is regarding substatement of the punishment imposed on the workman concerned. The misconduct committed by the workman is the misappropriation of Rs. 10,000 entrusted with him, by the Kerala State Bamboo Corporation Ltd. for sending the said soiled notes to the Reserve Bank of India for exchange. But the workman concerned did not send the said notes to Reserve Bank of India for exchange. He has not made any entries regarding the said amount received by him from the Kerala State Bamboo Corporation. So the evidence on record would give a clear indication and inference that the workman concerned misappropriated the said amount. The mere fact that the workman concerned deposited the said amount on receiving the show cause notice cannot be taken as ground to hold that he was innocent in the said dealings. The other proved minor misconducts would also reveal the fact that the workman is not fit to continue as an employee of the management bank. So the management bank can be justified in imposing the punishment of dismissal from service. But considering the length of service and the previous service record of workman concerned some leniency has to be taken. So this Court is of the view that the punishment of discharge from service will be sufficient to meet the ends of justice. Hence the order of dismissal is converted to that of discharge.

V. In the result, the punishment of dismissal imposed on the workman is converted to that of discharge. The management is directed to give the workman the benefits due to him as if he was discharged from service on the same date of his dismissal from service. An award is passed, accordingly. Ernakulam,

31-1-1994.

M. V. VISWANATHAN, Presiding Officer

APPENDIX

Witness examined on the side of Management :

MW1. Sri I. D. Benjamin.

Witness examined on the side of Workman :

WW1. Sri P. S. Balan.

Exhibits marked on the side of Management :

Ext. M1. Letter dated 24-1-1987 issued by the Management.

Ext. M2. Staff Circular No. 2309 dated 28-5-1981.

Ext. M3. Enquiry file containing proceedings and findings and other connected papers.

Ext. M4. Photo copy of letter dated 16-12-1986 from workman to Management.

नई दिल्ली, 15 फरवरी, 1994

का.प्र. 710.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लि. की हुरिल्लादीह कोलि-

यरी के प्रबंधन के संबंध निवाजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), अनुवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 14-2-94 को प्राप्त हुआ था।

[संख्या एन-20012/275/84-डी-3(ए)/आई प्रार.]
(कोल-1)

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 15th February, 1994

S.O. 710.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Hurriladih Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 14-2-1994.

[No. I-20012/275/84-DIII(A)] [JR(Coal-I)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 73 of 1984

PARTIES :

Employers in relation to the management of Hurriladih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri G. Prasad, Advocate.

For the Workmen : Shri S. P. Singh, General Secretary, Khan Mazdoor Congress.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 31st January, 1994

AWARD

This matter has been remanded back by the Hon'ble High Court, Patna at Ranchi Bench, by an order dated 15-1-1994 recorded in C.W.J.C. No. 1507 of 1989(R).

2. In this matter the Central Government in the Ministry of Labour had by Order No. L-20012/275/84-D.III(A) dated 25-9-1984 had referred the following dispute to this Tribunal:

"Whether the demand of Khan Mazdoor Congress, Post Office Jharia, Dhanbad for payment of Rs. 26.10 per day to the Loaders as mentioned in Annexure below, as per National Coal Wage Agreement-III, by the management of Hurriladih Colliery in Kustore Area of M/s. Bharat Coking Coal Limited, Dhanbad is justified? If so, to what relief are these Loaders entitled and from what date?"

The annexure to it mentioned the names of 19 workmen with the name of Smt. Menka Kamin at the head.

3. The matter was heard by the learned predecessor who, by order dated 30-8-1988, rendered the following award :—

"The demand of Khan Mazdoor Congress Dhanbad, for higher fixation of pay for the concerned female workmen is justified. The management is directed to have recourse to rational fixation of pay of the concerned workmen in the light of observation made in the body of the award. Such fixation when done will have retrospective effect from the date of reference i.e. 12-9-199 .

In the circumstances of the case I award no cost."

4. Against that award the employers, i.e. the management of Hurriladih Colliery of M/s. B.C.C. Ltd. (hereinafter referred to as the Management) preferred the aforesaid writ petition in which Hon'ble Court had been pleased to remand back, after setting aside the impugned award, further directing this Tribunal to pass a definite award as to what basic wages the 19 concerned workmen were entitled to in terms of N.C.W.A. III. The Hon'ble Court vide this order also allowed the parties to lead additional evidence if they so desire. From the record it appears that none of the parties adduced any fresh evidence. Therefore, the matter after remand has to be decided and an award made, in accordance with the evidence and the materials already on record.

5. It will appear that the learned predecessor in the impugned award had come to certain findings on facts and though the findings were not disturbed by the Hon'ble Court, the Hon'ble Court in their order have mentioned some of those findings in para 8 of the order and it was further observed by His Lordship in para 9 of the order that those findings of facts could not be interfered with by the Hon'ble Court in exercise of its writ jurisdiction. The demand ordered has been passed by the Hon'ble Court on a specific point. I will quote some portions of the order of the Hon'ble Court in this regard :—

(Para 10 of order)—"However, from the reference made by the Central Government and as quoted hereinbefore, it is evidence that the definite case of the concerned workmen was that they were entitled to payment of Rs. 26.10 per day. The petitioner has contended that even for Group VA workers, the revised basic and fall back wages have been fixed only at Rs. 24.85 and there is no such basic pay of wages at Rs. 26.10 per day."

(Para 13 of the order)—"In view of the specific deference made by the appropriate Government, in my opinion, it was the duty of the respondent No. 2 to consider this aspect of the matter. Respondent No. 2 does not however appears to have come to a definite conclusion as to whether the concerned workmen would be entitled to get the wages @ Rs. 26.10 per day."

(Para 14 of the order)—"It is now well known that the Tribunal is bound by the reference made by the Central Government. The Tribunal would however be entitled to consider as to what relief should be granted in favour of the concerned workmen construing the reference made by the appropriate Government and upon taking to consideration the demand raised by them."

(Para 15 of the order)—"Apparently enough, Respondent No. 2 did not answer the reference inasmuch as it merely directed the Management to have recourse to rational fixation of pay of the concerned workmen. In view of the specific reference made by the Central Government, in my opinion, it was the duty of the Respondent No. 2 to specifically answer the issue as to whether the concerned workmen were entitled to the basic wages of Rs. 26.10 per day and if not to what other amount they were entitled to."

(Para 17 of the order)—"In the result this writ application is allowed in part. The impugned award . . . is set aside to the aforementioned extent and the Respondent No. 2 is hereby directed to pass a definite award as to what basic wages the 19 concerned workmen were entitled to in terms of National Coal Wage Agreement No. III."

6. Therefore it is clear that the Hon'ble Court did not adversely comment on any of the findings on facts arrived at by the learned predecessor.

The impugned award was set aside only to the extent as mentioned above and the writ application was allowed only in part. Therefore, as this matter arises in the light of the aforesaid direction of the Hon'ble Court, and since this Tribunal is called upon only to answer the reference in specific terms, it is not desirable that I should delve into the facts afresh and give my own findings on facts. It is so because the findings on facts arrived at by the learned predecessor not having been disturbed by the Hon'ble Court, I cannot review the same.

The crux of the case of the 19 working women, which was taken up by the sponsoring Union, was that they and 11 other women were employed together and were doing the same nature of job as piece-rated workers, but prior to the implementation of N.C.W.A. III, the wages of those 11 working women was shown to be Rs. 18.50 per day whereas the wages of these 19 working women was shown to be at Rs. 16.36. Accordingly, as per aforesaid Agreement-III, the wage of these working women was fixed at Rs. 22.71 per day and those of 11 other working women was fixed at Rs. 24.85 per day. The sponsoring Union has claimed that as per the aforesaid Wage Agreement the wages of these 19 working women should have been fixed the rate of Rs. 26.10 per day, which was the rate of wages allowed to Category-III workmen.

8. After discussing the respective cases of the parties as also the evidence, oral and documentary, on record, the learned predecessor Court came to the following conclusions in the award rendered on 30-8-1988 :—

(i) (Para 7 of the award)—".....Thus, the conclusion is reached upon consideration on evidence on record that the concerned female workers were transferred from Hurriladih colliery to Simlabahal Colliery and from Simlabahal colliery to Burragarh colliery and from Burragarh colliery they were again transferred to Bhalgora colliery and finally they were again re-transferred to Hurriladih colliery."

(ii) (Para 8 of the award)—"..... Considering all these facts I cannot but conclude that the concerned female workers were initially appointed as quarry miners and thereafter they were engaged in other piece-rated jobs in Group-III."

(iii) After pointing to the evidence of M.W. B. D. Singh to the effect that if a workman was transferred from one job to another and from one colliery to another his wages in the parent job was protected, the learned Predecessor came to the following conclusion in Para 9 of the award. "This being the clear admission of the witness for the management it can be concluded that the concerned female workers are entitled to get protection of pay as quarry miners in Group VA. On the other hand, Last Pay Certificate (Ext. M-2 series) establish the fact that some of the female workers having the same designation as the concerned female workers and the same date of appointment have been getting higher wages, obviously after being placed in Group VA while the concerned female workers have been getting less wages by their placement in Group-III although all of them were appointed on the same date and in the same posts. This anomaly in fixation of pay, in fairness to things, shall not be allowed to exist."

9. The learned predecessor had also pointed out the contradictory stand taken by the management in this regard in para 8 of the judgement. It will appear that in the written statement the Management had taken the plea, in order to explain the difference in wages, that some inaccuracy had crept in the Last Pay Certificates issued to those working women at the time of transfer from Simlabahal colliery and that wages of some of the workers employed as overburden removers had been shown as Rs. 18.50 per day. In para 8 of the award it was also pointed out that at the time of hearing, this explanation of difference in wages was

dropped, as in his evidence MW-1 B.D. Singh said that the contents noted in the Last Pay Certificates (Ext. W-2 series) were correct. In the evidence, the aforesaid Management's witness gave another explanation stating therein that the difference of wages as shown in the Last Pay Certificates was due to the fact that some workmen doing removal of earth job were being paid at the rate of Rs. 16.36 per day while some other workmen doing the job of quarry loaders were being paid at the rate of Rs. 18.50 per day.

10. As already stated there is a finding of fact that out of the 30 working women who were appointed on the same day for the same nature of work, 11 were getting higher pay at the rate of Rs. 18.50 per day which was the rate of wages in Group VA for piece-rated workers, while the concerned 19 working women were getting wages at the rate of Rs. 26.36 per day, which was the wages of Group-III piece-rated workers, as provided in N.C.W.A. II. It was for the Management to satisfactorily explain away such discrepancy in pay in between those two group out of the 30 working women. Obviously, the Management gave one explanation in writing and tried another one while adducing evidence. It was in view of these factors that the learned predecessor held that such discrepancy in the pay of those two groups was unjustified and such discrimination shall not be allowed to exist.

11. In view of such findings I hold that these 19 working women, prior to settlement of wages as per N.C.W.A. III should have been getting basic wages, as piece-rated workers, at the rate of Rs. 18.50 per day as allowed to the workmen, in N.C.W.A. II, for Group VA piece-rated workers.

12. Having come to this conclusion, and in order to answer the first part of the reference it has to be seen as to whether these 19 working women were entitled to the basic wage at the rate of Rs. 26.10 per day as per agreement in N.C.W.A. III.

13. The learned lawyer appearing on behalf of the Management has placed before me the agreement reached at by the Joint Bi-partite Committee for Coal Industry, known as N.C.W.A. III, applicable w.e.f. 1-1-1983. The learned lawyer pointed out that daily wages at the rate of Rs. 26.10 for Category-III daily rated workers was applicable only to the workers in Assam Coalfield. The agreement supports this contention. For Group-III the daily wage was at the rate of Rs. 18.80-0.48-24.56 as per NCWA-II which was raised to the daily wage of Rs. 26.10-0.75-35.10 as per agreement in N.C.W.A. III. Obviously, the daily wage at this rate was not available to a workman not working in Assam Coalfields. The pay structure aforesaid can be seen in Annexure-II-B of the N.C.W.A. III. Moreover, even according to the sponsoring Union other 11 working women were earlier getting wages at daily rate of Rs. 18.50 which, according to its claim, should have been allowed to the other 19 working women. But in the Chart, Annexure-II-B, relating to daily rated workers, there is no daily wage at the rate of Rs. 18.50 per day either in Category-III or in any other category (showing the old rate). Therefore, obviously the claim of the sponsoring Union for payment of wages to the 19 working at the rate of Rs. 26.10 per day is misconceived. It, therefore, must be held that the demand of Khan Mazdoor Congress, Dhanbad, for payment of Rs. 26.10 per day to the Loaders, as named in the Annexure, as per N.C.W.A. III was misconceived.

14. The revised basic wages for piece-rated workers working beyond Assam Coalfield can be seen at Annexure-III-A of the N.C.W.A. III. It has already been concluded that these 19 working women were entitled to get daily wages at the rate of Rs. 18.50 as available to other 11 working women, which was the rate of wages for Group VA piece-rated workers as per N.C.W.A. II. The chart at Annexure III-A would show that the revised basic wage rate for such piece-rated workmen was fixed at Rs. 24.85 per day with fall back wage at the same rate. But the wages of these women workers was revised at the rate of Rs. 22.71 per day, with fall back wage at Rs. 21.85 per day. As already held such fixation was not fair and that these 19 working women should have

had their revised wage fixed at the rate of Rs. 24.85 per day as per N.C.W.A. III. If the wage at the revised rate of Rs. 24.85 had been fixed, that would have been made available to these 19 working women with effect from 1-1-83 on which date the rates fixed in N.C.W.A. III came into effect. Even in the written statement of the sponsoring Union a clear prayer has been made to award Rs. 26.10 as basic wage as per N.C.W.A. III from 1-1-83 to these 19 working women. Therefore, if this revised rate of wage is allowed, which has to be allowed, to these 19 working women on the stipulation that as per N.C.W.A. II their daily wages should have been fixed at the rate of Rs. 18.50 per day as allowed to other 11 similarly situated working women, they must be held entitled to be paid at this rate with effect from 1-1-83

15. Here a technical objection was raised by the learned counsel for the Management. He pointed out the language of the reference made by the Central Government to this Tribunal and submitted that first Tribunal was called upon to adjudicate as to whether the demand for payment of Rs. 26.10 per day was justified and that the second part of the reference was in the following language—"..... If so, to what relief are those Loaders entitled and from what date?"

16. Pointing out the second part of the reference the learned lawyer has argued that this Tribunal could have decided about grant of relief to the working women only if it was first decided that the demand for payment at the rate of Rs. 26.10 per day was justified. It has been pointed out that the Central Government, in the second part of the reference, had used the term—"if so", therefore it could not be read as—"if not". The learned lawyer argued that if the answer to the first part of the reference is that the demand for payment at the rate of Rs. 26.10 per day was not justified, then there was no question of answering the second part of the reference which could have been answered only if the answer to the first part of the reference was in the affirmative.

17. I find myself unable to agree to this construction of the second part of the reference. The second part of the reference calls upon this Tribunal to adjudicate that "if so", to what relief are those loaders entitled. But such a poser was unnecessary if this Tribunal had decided the first part of the reference in affirmative because then it would have been self-evident that in that case the loaders were entitled to daily wages at the rate of Rs. 26.10 per day. In that case all that was necessary, if at all, was to call upon the Tribunal to decide the date from which the revised rate was available to those loaders. Even the reference about date, in that case, was not important because once it was decided that those working women were entitled to the revised rate of Rs. 26.10 per day as per N.C.W.A. III, then they were bound to get revised rate from 1-1-1983 which was the date on which N.C.W.A. III came into effect. But the second part of the reference cannot be brushed aside as being so redundant. To give meaning to this part of reference, the expression "if so" has to be read as "if not". If it is so read, then this will provide full meaning to this second part of the reference.

18. The Hon'ble High Court in the aforesaid order dated 15-1-1991 have also observed in para 14, as already reproduced, that the Tribunal would be entitled to consider as to what relief should be granted in favour of the concerned as to what relief construing the reference made by the appropriate Government and upon taking into consideration the demand raised by them. In para 15 of the aforesaid order of the Hon'ble Court, this objection raised by the learned counsel of the management has been set at rest where His Lordship has observed as follows:—

".....it was the duty of the Respondent No. 2 to specifically answer the issue as to whether the concerned workmen were entitled to the basic wage of Rs. 26.10 per day and if not, to what other amount they were entitled to."

Therefore, it is clear that the Hon'ble Court have read and interpreted the expression "if so" to be "if not".

19. Therefore, I do not think that there is any force in the argument of the learned counsel for the management on this count.

20. It was also vaguely pointed out by the learned counsel for the management that a decision in favour of the workmen will have repercussion on the wages of a large number of other workmen. But there is no force in such argument because every reference has to be answered on its own merits.

21. Therefore, what I find in this case is a finding on facts by the learned predecessor that difference in wage of these 19 working women when compared to other 11 working women, similarly situated, was unjustified and had to be remedied. I also agree to this finding on facts. But this difference in wage was even prior to the implementation of the N.C.W.A. III. Prior to implementation of N.C.W.A. III those other 11 working women were getting wages, as piece-rated workers, at the rate of Rs. 18.50 per day. Therefore, as per the aforesaid finding, the wages of these 19 concerned working women should also have been fixed at the same rate, i.e., Rs. 18.50 per day. No doubt in the present case these 19 working women will be held only notionally entitled to wages at the rate of Rs. 18.50 per day which is only for the sake of fixation of their wages on implementation of N.C.W.A. III. On this basis the wage rate of these 19 concerned working women, on implementation of N.C.W.A. III, which was with effect from 1-1-83, should have been Rs. 24.85 per day with fall back wages at the same rate, as already discussed in detailed.

22. In view of the aforesaid discussion, I render the following award :—

The demand of Khan Mazdoor Congress, Post Office Jharia, Dist. Dhanbad for payment of Rs. 26.10 per day to the loaders as named in the Annexure, as per NCWA-III, by the management of Hurriladih Colliery in Kustore Area of M/s. B.C.C. Ltd., Dhanbad, is not justified. But the working women named in the Annexure to the reference are held entitled to be paid the revised basis wage at the rate of Rs. 24.85 per day with fall back wage at the same rate, as per N.C.W.A. III, with effect from 1-1-1983.

23. The management is hereby directed to place the concerned 19 working women in the aforesaid revised rate and to pay them the arrears as aforesaid within three months from the date of publication of the award in the Gazette.

In the circumstances of the case, there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 16 फरवरी, 1994

का.अ. 711.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में एस सी सी एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 8-2-94 को प्राप्त हुआ था।

[सं० एल-22012/61/90-आई आर (सी II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O 711.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 8-2-94.

[No. L-22012/61/90 IR(C II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
AT HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated : 31st day of January, 1994
Industrial Dispute No. 67 of 1990

BETWEEN:

The Workmen of Singareni Collieries
Company Limited, Area-I, Ramagundam
Division, P.O. Godavari Khani,
Dist. Karimnagar, ...Petitioner.

AND

The Management of Singareni Collieries
Company Limited, Area-I, Ramagundam,
Division, P.O. Godavarikhani,
Dist. Karimnagar. ...Respondent.

APPEARANCES:

Petitioner in person.
M/s. K. Srinivasa Murthy & G. Sudha, Advocates—for
the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(61)/90-L.(C.II) dt. 14-11-1990 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the management of Singareni Collieries Company Limited, Area-I, Ramagundam Division and their workmen to this Tribunal for adjudication:

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Area-I, Ramagundam Division, P.O. Godavarikhani, Dist. Karimnagar (A.P.) in denying promotion as Shot Firer Grade-C from August, 1986 to Sri Bandi Rajaiah, Timberman GDK No. 1 Incline, is justified? If not, to what relief the workman concerned is entitled?"

This reference was registered as Industrial Dispute No. 67 of 1990 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows :—

Bandi Rajaiah was a Timberman of Cat. IV at GDK No. 1 Incline. He has passed the Shot Firer, Mining Sirdar and Gas Testing examination on 7-9-85, 6-9-85 and 25-7-1985 respectively. He was promoted as Coal Cutter on Category V wages with effect from 21-12-1986 and again as Shot, Firer, Grade-C w.e.f. 1-5-1987. Since the promotion was affected with a later date he has invited the attention of the management to the Circular/Letter No. P.4/3080/3673 dt. 20-9-1978 and requested to apply for grade with retrospective effect protecting his yearly increments of 1986-87 which falls due on 1-3-1987. He has also brought to the notice of the Management regarding the agreement between the management and trade unions to promote the workman who act on statutory duties continuously from the date of the passing their statutory examination in order to protect their incremental benefit as well as the seniority in the promoted grade. He has also informed the management that Sri Jaggi Rajanna and Sri Damodar Reddy who were on the rolls of GDK, No. 8A Incline as coal cutters by performing the statutory duties on having passed Mining Sirdar's Examination on 19/20-9-86 have been promoted as Shot firers in Grade-D w.e.f. 1-10-86 vide the letter dt. 23-1-1987 signed by the General Manager, RG-Division-II. Later on their case was reviewed basing on the guidelines in the above cited circular of the General Manager, Kothagudem and they have been promoted as Shot Firers in Grade-C with retrospective effect i.e. from 1-10-1986 vide letter dt. 29-5-1987 along with nine others signed by the General Manager, RG, Division-II. Similarly the promotions of 45 statutory personnel under the General Manager (Projects), Godavarikhani have been reviewed right from the year 1979 basing on the letter dt. 20-9-1987 from

the General Manager, Singareni Collieries Company Limited, Kothagudem and revised office order letter No. PRG(P)/5M/115, dt. 23-1-1989 has been issued to all the 45 persons by restoring even one month's seniority either on acting or regular service. The above information clearly indicates that the case of the statutory personnel under the General Manager, RG-II and the General Manager (Projects), RG have been reviewed as per the guidelines in the letter No. P4/2080/3673, dated 20-9-1987 from the General Manager, Singareni Collieries Company Limited, Kothagudem. It is therefore prayed that the Hon'ble Tribunal to arrange to review the case in line with the other cases mentioned above and do justice by effecting his grade from the date of his passing the examination.

3. The brief facts of the counter filed by the Respondent-Management read as follows:—It is submitted that the Petitioner's dispute is a stale claim and it is bad in law. It is well settled principle of law, that stale claims cannot be entertained. More so in this case, the workman in dispute, Sri Bandi Rajaiah is demanding for a promotion to Grade 'C' from August, 1986 as Shotfirer, without he himself getting qualified and comply the then existing rules and regulations. As such the reference as made is bad in law. Sri Bandi Rajaiah was Timberman in Category IV at GDK No. 1 Incline. He passed Shot Firer Certificate of competency examinations on 7-9-1985 and Mining Sirdar Certificate of competency examination on 6-9-1985 but he was not having the Gas Testing examination certificate or he was qualified for the same. To post or promote a workman to Shotfirer, D, Grade post, the workman should pass the Shotfirer Certificate or competency examination as well as Gas Testing examination certificate. If any one of these examinations are not passed, he is not eligible for Shotfirer 'D' Grade post. Sri Bandi Rajaiah passed his Gas Testing examination on 5-8-1986. Normally, whenever workmen working in lower categories pass the competency examinations, they will be initially placed in higher category for first three months as per procedure. The main reason for placing the workman in higher category from what he was doing earlier, is to have acquaintance of the mine in all aspects as well as to discharge the duties effectively as Shotfirer Grade 'D'. Further to get promoted to the post of Shotfirer Grade 'D' the candidate has to submit, the original certificate to the authorities concerned. Till then, after passing the examination, the employee gets the benefit of one category higher and not to the actual grade. That was the reason, Sri Bandi Rajaiah, after passing the Gas Testing examination was promoted as Coal Cutter in Cat. V w.e.f. 21-12-1986. Sri Bandi Rajaiah complied all the obligations only by the end of April, 1987 with the result that he was given Shotfirer Grade 'C' promotion w.e.f. 1-5-87. It is respectfully submitted that Sri Bandi Rajaiah had never worked in Grade 'D' Shotfirer post. Sri Bandi Rajaiah passed Mining Sirdar's Certificate of competency examination and Shotfirer's certificate of competency examination by September 1985 but he has not passed/obtained Gas Testing Examination. In Bandi Rajaiah's case this could not be done as he fell short of possessing the Gas Testing examination, whereas he passed only the Mining Sirdar Examination. As he fell short of Gas Testing examination certificate, he could not be promoted to Shotfirer Grade 'C'. As soon as he passed the Gas Testing examination and to remove anomaly, he was posted / promoted from Timberman Cat. IV to Coal Cutter Cat. V and then directly to Shotfirer Grade 'C'. It may be noticed that workman who is holding Mining Sirdar's Certificate, which is basically Grade 'C' post, is eligible to discharge Mining Sirdar duties as statutory post. To be more specific, the Shotfirer who passed the Mining Sirdar examination, will be getting the salary of Mining Sirdar in Grade 'C' by discharging the Shotfirer's duties. Further Sri Bandi Rajaiah, at no point of time continuously worked as Shot Firer Grade 'D' because he was not having Gas Testing Examination Certificate at all. So, the giving increment in the said Grade for the year 1986—1987 does not arise. It is submitted that no increment is given automatically. Sri Bandi Rajaiah, unless he completes one year in a particular Grade, is not eligible for one increment. It is submitted that Sri Jaggari Rajanna and Sri Damodar Reddy's cases, who are on the rolls of GDK No. 8A Incline, compared with Sri Bandi Rajaiah's case, are totally different aspects. These two candidates passed the statutory shot firer's examination as well as Gas Testing examinations at a time. So, they were placed

in Grade 'D' whereas, Sri Bandi Rajaiah passed Shot Firer examination and not passed Gas Testing examination so he cannot be placed in Grade 'D' nor the Circular can be made applicable to him. But he has acquired Mining Sirdar's certificate first and later Gas Testing Certificate, which resulted he was given directly Grade 'C'. Thus Sri Bandi Rajaiah had beneficial position comparing to Sri Jaggari Rajanna and Sri Damodar Reddy. It is further submitted that the case of 45 persons, who were working as Shot Firers, were reviewed as per Circular dated 20-9-1978 and they were placed in Shot Firer Grade 'C' accordingly. The contents of General Manager, Kothagudem, Circular dt. 20-9-1978, were only extended to the 45 persons pertaining to Ramagundam Area (Projects) whose cases are comparable with Sri Jaggari Rajanna and Sri Damodar Reddy. Sri Bandi Rajaiah cannot compare his case with the above persons as they are on a different footing. In Bandi Rajaiah's case, it is a direct promotion as per the certificates to higher grade, when it is a direct promotion, the vacancy position should have to be identified, and management could do so for Ramagundam Area-I, only in April, 1987 and he was promoted with effect from 1-5-1987. It is well settled principle of law that by reviewing position, one cannot get retrospective promotion. No rule or regulation was violated. It is submitted that when there is no mistake or anomaly in Sri Bandi Rajaiah's case, the question of reviewing his case in line with the cases cited and to do justice by giving Grade 'C' promotion from the date of passing the examination does not arise. In view of the above mentioned facts, the Hon'ble Court may be pleased to dismiss the claim statement.

4. The point for adjudication is whether the action of the Respondent-Management in denying promotion as Shotfirer Grade-C from August, 1986 to Sri Bandi Rajaiah, is justified?

5. No oral or documentary evidence have been adduced by both the parties.

6. The case of the Petitioner-workman is that he has invited the attention of the Management to the Circular dt. 20-9-1978 and requested to apply for Grade with retrospective effect protecting his yearly increments of 1986-87 which falls due on 1-3-1987. He has also brought to the notice of the Management regarding the agreement between the Management and Trade Unions to promote the workmen who act on statutory duties continuously from the date of passing their statutory examination in order to protect their incremental benefits as well as the seniority in the promoted grade. The Petitioner-workman also informed the management that Sri Jaggari Rajanna and Sri Damodar Reddy who were on the rolls of GDK No. 8A Incline as Coal Cutters by performing the statutory duties on having passed Mining Sirdar's examination on 19/20-9-1986 have been promoted as Shot Firers in Grade-D w.e.f. 1-10-1986. It is further the case of the Petitioner workman that later on their case was reviewed basing on the guidelines in the above cited circular of the General Manager and they have been promoted as shot firers in Grade-C with retrospective effect from 1-10-1986 and similarly the promotion of 45 statutory personnel under the General Manager (Projects) Godavari-khali have been reviewed right from the year 1979 basing on the letter dt. 20-9-1987.

7. The contentions raised by the Respondent-Management that there are two categories of workmen working in coal mines, one is piece rated and the other is time rated. The piece rated workmen are paid basing on the production or the work turned out by them and the time rated workmen are paid on the basis of duration of the turn out of the work. There are Categories I to VI and Grade H to A. Piece rated workmen after acquiring the requisite qualifications for higher category/Grade can become eligible for promotion to higher category/grade. Sometimes, piece rated workmen by acquiring qualifications can also achieve the monthly rated grades i.e. after passing the appropriate examinations. In the mine, workers from General Mazdoors, Coal Fillers, Coal Cutters etc., can pass higher category examination by enquiring skill basing upon their aptitude and go to higher category/grade. Further there are certain statutory posts in the mines as per the Mines Act. Unless the statutory examinations are passed and certificates are produced, they cannot be posted in Statutory post, Shotfirers, Mining Sirdars & Overman are some of the statutory posts.

8. Under the Mining Act, to post or promoted a workman to Shot Firer D-Grade, the workman should pass the Shotfirer Certificate of competency examination as well as Gas Testing examination certificate at a time. If any one of these examinations are not passed, he is not eligible for Shot Firer 'D' Grade Post. Sri Bandi Rajaiah passed the Shot Firer Certificate of competency examination on 7-9-85 and Mining Sirdar Certificate of competency examination on 6-9-1985 and in the same year i.e. 1985 Sri Bandi Rajaiah has not passed the Gas Testing examination certificate. Hence he was not promoted in the year 1985 but he was promoted in the year 1986 as he passed the Gas Testing examination Certificate. Further to get promoted to the post of Shotfirer Grade 'D', the candidate has to submit the original certificate to the authorities concerned. Till then, after passing the examination, the employee gets the benefit of one category higher and not to the actual grade. That was the reason, Sri Bandi Rajaiah, after passing the Gas Testing examination was promoted as Coal Cutter in Category V w.e.f. 21-12-1986. It is pertinent to note that Sri Bandi Rajaiah passed Mining Sirdar's Certificate of competency examination and Shot Firer's Certificate of Competency examination by September, 1985 but he has not passed/obtained Gas Testing Examination as it can be seen by the documents filed by the Respondent-Management in this Tribunal. Normally, the candidates passed Shotfirer's Certificate of competency examination and Gas Testing examination at a time, which results workman will be first placed in Coal Cutter (higher Grade) for three months period then to Shotfirer Grade 'D', after submitting the certificates. This could not be done as Bandi Rajaiah fall short of possessing the Gas Testing examination, whereas he passed only the Mining Sirdar Examination. As he fell short of Gas Testing examination certificate, he could not be promoted to Shot firer Grade 'C'. Hence I find Bandi Rajaiah was rightly promoted from Timberman Cat. IV to Coal Cutter Cat. V and then directly to Shotfirer Grade 'C'. Further it is seen that there is no mistake or anomaly in Sri Bandi Rajaiah's case, the question of reviewing his case in line with the cases cited and to be justice by giving Grade 'C' promotion from the date of passing the examination does not arise. It is also seen that that Sri Jaggaraj Rajanna and Sri Damodar Reddy passed the statutory shotfirer's examinations as well as Gas Testing examinations at a time as can be seen from the unmarked documents filed by the Respondent-Management. So, they were placed in Grade 'D', whereas Sri Bandi Rajaiah passed Shot Firer examination and not passed Gas Testing examination, he cannot be placed in Grade 'D' nor the Circular as mentioned in the claim statement can be made applicable to him. It is seen that Bandi Rajaiah has acquired Mining Sirdar's certificate first later Gas Testing Certificate, which result he was given directly Grade 'C' post, he got the beneficial position, then those two mentioned above. Hence I find that there is no merits in the Petitioner-workman's case.

9. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division, P.O. Godavari Khani, District Karimnagar (A.P.) in denying promotion as Shotfirer Grade-C from August, 1986 to Sri Bandi Rajaiah, Timberman GDK No. I Incline, is justified. The Petitioner-Workman is not entitled to any relief as prayed for.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal this the 31st day of January, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

NIL.

नई दिल्ली, 16 फरवरी, 1994

का.आ. 712.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में एस सी सी एल. के प्रबंधकों के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 7 फरवरी 1994 को प्राप्त हुआ था।

[संख्या एल-22012/226/88-डी-4 (बी.)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 712.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 7-2-94.

[No. L-22012/226/88-D IV(B)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, 25th day of January, 1994

Industrial Dispute No. 61 of 1989

BETWEEN :

The Workmen of Singareni Collieries,
Company Limited, Mandamarri. . . Petitioner.

AND

The General Manager, Singareni,
Collieries Company Limited,
Mandamarri. . . Respondent.

APPEARANCES :

Sarvasri G. Vidyasagar, V. Viswanatha, N. Vinesh Raj
and P. Girikrishna, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, V. Usha Rani,
Praveen Choudary, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(226)/88-D.IV.B/IR(C-II), dt. 21-8-1989 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the management of Singareni Collieries Company Limited, Mandamarri and their workmen to this Tribunal for adjudication :—

"Whether the action of the Management of M/s. S.G. Co. Ltd., Mandamarri in terminating the services of Sri S. Bhoomaiah, Picking Mazdoor, KK-1 CSP w.e.f. 1-2-1988 is justified? If not, to what relief the workman concerned is entitled?"

This reference was registered as Industrial Dispute No. 61 of 1989 and notices were given to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows.—It is submitted that Sri S. Bhoomaiah, Picking Mazdoor, K.K.I.C.S.P. was appointed in the year 1958. At the time of his appointment his age was 25 years. But the age assessment was not done by the Medical Officer. In those days there was no age retirement rules in the Company and there was no any interest regarding the age. Therefore the concerned Clerk who prepared the service card gave the date as per his will and pleasure. Therefore, the worker did not know his age was recorded how many years in the service book. The age retirement rules came into force in the year 1960. In Rule No. 3 (iv) & (vi) it is stated that "in case of employee already in service of the date of the issue of this circular, their age should be determined in accordance with the provisions of this Rule. The work should be completed within a period of 12 months from the date of issuing of this Circular and in case of illiterate employee the declared date of birth

shall be recorded by a senior employee and witnessed by another employee'. The management have followed the same but it was not followed in this case. But the management had given him a termination notice (Age superannuation) illegally. The worker, immediately, has submitted an application to the management contesting that his age was 55 years, but not 60 years. But the Management did not take any action in the matter. As such the Union has raised the dispute on 25-1-1988 in the Conciliation proceedings held on 28-4-1988 and the management agreed orally for mutual discussions for considering his case. Due to the Management delay tactics and adamant policy, they have not come to an understanding in the mutual discussions. It is submitted that the Union raised a dispute during 1965 stating that the Company's workers age record is not correct. Over this dispute the Management and the Union arrived to a decision before the Conciliation Officer and entered in the Memorandum of Settlement on 26-2-1965. In this agreement the Management to send the worker for age assessment to the Medical Officer before his termination (Age superannuation) of his service, without following the above formalities the worker was terminated on 1-2-1988 forcibly and illegally. It is submitted that the second Memorandum of Settlement for age dispute dated 17-9-1969 and C.P.O's circular dt. 26-10-1983 that any employee contesting his age record is wrong the management has to send the worker to the Medical Board or the Medical Officer for his age assessment. It is evident that the workers age record is wrong in the Company. But the Management has not followed the same. But the Management terminated him simply with their own decision stating that the worker has completed 60 years. During the full service of Sri S. Bhumaiah, his age assessment was not done. He was never sent to the Medical Board/Medical Officer for his age assessment. For the fault of the management, they have rectified it in 1969 by taking his thumb impression deceitfully on a typed proforma and proforma was attached with his service book. This proves that his age was not assessed by the Medical Board/Medical Officer. Without assessing his age the termination is illegal. The Management did not honour the clause No. 3 of their own age retirement rules but honoured clause No. 4 only. It is evident that the Memorandum of settlement dt. 17-9-1969 and C.P.O's circular dt. 26-10-83 they say any worker who contest his age should be sent to the Medical Board or the Medical Officer. It is also proved that the Company's workers age record is not correct. Without honouring the above age retirement rules memorandum of settlements and C.P.O's circular the Management's action, in case of Sri S. Bhumaiah, Picking Mazdoor, K.K.I C.S.P. termination, is illegal, injustice and unfair labour practice. It is prayed that Hon'ble Industrial Tribunal may please be order to direct the Respondent the Management of the Singareni Collieries Company Limited, Mandamarri to take Sri Bhumaiah on duty immediately and pay back wages from the date of his termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent-Management read as follows: It is respectfully submitted that the Medical Coal Wage Agreement-II come into effect from 1979 and all the previous Age settlements have been cancelled. All the National Coal Wage Agreement entered by all the Coal Wage Managements with all the Unions set at rest all the pending disputes. When Settlements are binding, the raising of a dispute is bad in law. Reference made under Clause I, Sub-Section I, Sub-Section 2(A) of Section 10 of the I.D. Act is bad in law. It is submitted that Sri S. Bhumaiah, Picking Mazdoor, K.K.I C.S.P. was initially appointed as General Mazdoor in the year 1958. The Service book of the workman in dispute was prepared in the year 1958. It may be noticed that all the personal particulars were given by Sri Bhumaiah and the same were incorporated in the Service Book and the same were taken into account for all purposes like gratuity, Provident Fund, L.I.C. and also for the purpose of retirement. The allegation that there were no age retirement rules in the Company and there was no interest regarding the age and therefore, the concerned Clerk who prepared the Service card gave the date as per his will and pleasure is not correct. The allegation that in those days, there was no age restriction for appointment is not correct. It may be noticed that in view of the Unions' demands and also for the purpose of streamlining the administration, the Respondent Company framed the age retirement rules and got ap-

proved by the Board on 8-7-1959 and they came into force on the same day. As on the date of Age retirement rules came into force, Sri S. Bhumaiah was in service. There was no discrepancy in Bhumaiah's age and the declared age has been recorded. As such, the conditions set forth in the Age Retirement Rules are not applicable to the case of Sri S. Bhumaiah. They cannot apply Rule No. 3 (iv & vi) to the Petitioner's case, the reason being, the workman shall declare his date of birth. The allegation that the petitioner workman immediately submitted to the Management contesting that his age was 55 years, but not 60 years. It may be noticed that it is mandatory on the part of the Union as well as the workman to submit authenticated record with regard to the actual date of birth like the certificate from the Registrar of Births and deaths. No such application has been submitted by any of them. At the time when the N.C.W.A. II came into force, there was no single case of any workman whose age was not determined. During this period, Sri Bhumaiah was in service. In the case of Sri Bhumaiah was a genuine one, the Union ought to have raised the dispute in the year 1959 or in the subsequent settlements itself. The Management issued advance Notice on 13-6-1987 intimating to him that he will be retiring w.e.f. 1-2-1988. Again another notice was given on 8-1-1988. It may be noticed that the Unions raised several disputes with regard to the age, and wherever the cases are genuine ones, they have been rectified by following the established Rules and when there is no discrepancy, the question of determination of the age does not arise at all. It is true that in the year 1965 as stated earlier, with regard to the age, disputes were raised by the Unions and the Management and the Unions set out the disputes amicably and entered into settlements on 26-2-1965. It is not necessary to follow the settlement of 26-2-1965, or the Age retirement Rules of 1969 or the second Memorandum of 17-9-1969 as all the settlements were cancelled by virtue of National Coal Wage Agreement-II. As Sri Bhumaiah himself has declared his age, question of assessing his age or to send him to the Medical Board or Medical Officer does not arise. No fault was committed by the Management as alleged. No deceitful act was done by the management and no thumb impressions were taken on a typed proforma and the same was not attached to the service book. The allegation that the action of the Management in terminating the workman, Sri S. Bhumaiah is illegal and unjust is not correct. It may be noticed that this is a case of superannuation and not a case of termination. This Hon'ble Court may be pleased to dismiss the claim petition of the petitioner.

4. The point for adjudication is whether the action of the Respondent-Management in terminating the service of Sri S. Bhumaiah, Picking Mazdoor, K.K.I CSP w.e.f. 1-2-1988 is justified or not?

5. W.W1 was examined on behalf of the Petitioner-Union and marked Exs. W1 to W6. On the other hand M.W1 was examined on behalf of the Respondent-Management and marked Exs. M1 to M5.

6. W.W1 is S. Nagiah Reddy. He deposed in brief that he is the President of the Petitioner-Union since 1989. The concerned workman in this case S. Bhumaiah is a member of their Union. The said Bhumaiah was appointed as Picking Mazdoor in the Respondent-Company in the year 1958 and he has been working as Picking Mazdoor in the Respondent-Company ever since then. At the time of his appointment as Picking Mazdoor, his age was 25 years. By the time of the appointment of Sri S. Bhumaiah as Picking Mazdoor in the year 1958 there were no age retirement rules in the existence in the Respondent. At the time of his appointment as Picking Mazdoor, he was not the President of the Petitioner-Union. He was the President of the Workers Union in the year 1958. The age retirement rules were introduced by the Respondent Company in the year 1960 for the first time and they were implemented from the year 1965. After 1965 the Management of the Respondent-Company began to retire the workmen who have completed 60 years of age. On that the Workers' Union raised a dispute and a settlement was entered into between the Management and the Union to the effect that the workmen who have completed the age of 60 years as per the records of the Respondent-Company to be sent for medical examination for assessment of their age to the Company's medical

Officer or to the Medical Board before retiring them from service. Sri S. Bhoomaiah was retired from service of the Respondent-Company on the basis of the original age as entered in the records of the Respondent-Company at the time of his appointment without sending him for medical examination to the Company's Medical Officer or the Medical Board for determination of his age on 1-2-1988. The photostat copy of the above said settlement is Ex. W-2. Before retiring him from service, Sri S. Bhoomaiah submitted a representation to the Management of the Respondent-Company and the Respondent-Company did not take any action on his representation. So he made a representation to their Union. On that their Union submitted a representation to the Assistant Labour Commissioner (Central), Mancheril requesting him to admit his case for conciliation. Ex. W-6 is the photostat copy of the settlement dt. 17-9-1969 entered into between the management of the Respondent-Company and the workers' Union under Section 12(8) of the Industrial Disputes Act, 1947.

7. M.W1 is Y. Rama Mohan Rao. He deposed that he is working as Personnel Officer in the Respondent-Company since 1975. He knows the facts of the case. The Petitioner joined in the Company on 21-1-1958 and retired on 1-2-1988. At the time of his appointment his age was recorded 30 years as on 21-1-1958. Ex. M1 is the service book of the petitioner. The Company will take the age recorded in the service book for the purpose of superannuation and payment of gratuity and other benefits. Ex. M2 is xerox copy of the circular dt. 6-7-1981. Ex. M3 is the application dt. 25-1-1988 submitted to the Asstt. Labour Commissioner (Central). Ex. M4 is the minutes of the meeting dt. 28-4-1988 before the Asstt. Labour Commissioner (C). Ex. M5 is the xerox copy of the Circular dt. 1-8-1988. No recognised Union raised any dispute with regard to the age of the petitioner during 1959, 1961 or 1969. The petitioner also did not raise any dispute till his retirement with regard to his age. Ex. M1 is countersigned by the then Dy. Personnel Manager as and Head of the Department where he was initially appointed. The age recorded in the service book was given by the petitioner himself along with other particulars. The age of the workmen will be recorded in the service book basing upon the certificate given by the educational institutions for literate persons and for the illiterates the age will be recorded basing upon their own statement. The petitioner did not make any direct representation to the Management with regard to his age till his retirement. The management issued two notices to the workman informing him his due date of retirement on 13-6-1987 and 8-1-1988. The petitioner received all terminal benefits without any protest. Ex. M2 is the circular issued by the Management for determination and verification of the age wherein in Clause No. 6 procedure was laid down superseding all earlier orders and procedures.

8. In this dispute, the allegation of the Petitioner workman that in those days there was no age restriction for appointment that neither the workman nor the management gave any importance to the age and that the concerned Clerk who prepared the service card gave the date as per his will and pleasure.

9. The contention of the Respondent-Management on the other hand that the National Coal Wage Agreement-II came into effect from 1979 and all the previous age settlements have been cancelled, that this is a case of superannuation after the employee attained the age of superannuation, he was retired from the service. He also received all the terminal benefits of his superannuation and is an after-thought this dispute has been raised.

10. W.W1 in his chief examination has stated that the age retirement rules were introduced by the Respondent-Company in the year 1960 for the first time and they were implemented from the year 1965. The photostat copy of the said age retirement rules is Ex. W1. After 1965, the Management of the Respondent Company began to retire the workman who have completed 60 years of age. On that the Workers' Union raised a dispute and a settlement was entered into between the management and the Union to the effect that the workmen who have completed the age of 60 years as per the records of the Respondent-Company to be sent for medical examination for assessment of their age to the Company's Medical Officer or to the Medical Board

before to retiring them from service. Sri S. Bhoomaiah was retired from service of the Respondent on the basis of the original age as entered in the records of the Respondent Company at the time of his appointment without sending him for medical examination to the Company's Medical Officer or to the Medical Board for determination of his age on 1-2-1988. The photostat copy of the above said settlement is Ex. W2. Before retiring him from service, Sri S. Bhoomaiah submitted a representation to the management of the Respondent and the Respondent did not take any action on his representation. As seen from the Service Card of the Petitioner-Workman i.e. Ex. M1 the age of the workman was shown as 30 years as on 21-1-1958. The date of appointment was shown as 21-1-1958 but the Date Service Card was prepared on 20-1-1950. When the appointment date of the concerned workman was 21-1-1958 how can the Respondent prepare the Service Card on 20-1-1950. So there is a glaring mistake entered in the Service of the concerned workman. Be that whatever it may the Respondent Management in its counter stated that the National Coal Wage Agreement-II came into effect from 1979 and all the previous Age settlements have been cancelled. The contention of the Petitioner-Union that there is no mention of cancellation of all the previous Age settlements in the National Coal Wage Agreement-II. Moreover it is the fault of the Respondent Management having not sent the concerned workman for medical examination to the Company's Medical Officer or to the Medical Board for determining the age of the concerned workman on 1-2-1988. It is pertinent to note that before retirement of the concerned workman from service, the said concerned workman submitted a representation to the Management and that the Management did not take any action on his representation. It is clear that over this dispute the Management and the Union arrived to a decision before the Conciliation Officer and entered into the Memorandum of Settlement on 26-2-1965 which is marked as Ex. W2. In this agreement the Management to send the worker for age assessment to the Medical Board before his termination of his service, without following the above formalities the worker was terminated on 1-2-1988 forceably which is illegal and unjust. When any employee contesting his age record is wrong, the Management has to send the worker to the Medical Board or the Medical Officer for his age assessment, which the Respondent-Management failed to send the worker for age assessment. So considering all the facts and circumstances of the case, I find that the Respondent-Management has not honoured the Age Retirement Rules, Memorandum of Settlements and C.P.O.'s Circular, the Management's action in retiring Sri S. Bhoomaiah, Picking Mazdoor, K.K.I. C.S.P. is illegal and unfair labour practice.

11. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Mandamarri in terminating the services of Sri S. Bhoomaiah, Picking Mazdoor, K.K.I. CSP w.c.f. 1-2-1988 is unjustified. Sri S. Bhoomaiah is entitled to be reinstated into service and pay back wages from the date of his termination until he is taken on duty.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 25th day of January, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for Petitioner :	Witnesses Examined for Respondent :
W.W1 S. Nagiaha Reddy	M.W1 Y. Ram Mohan Rao.

Documents marked for the Petitioner :

- Ex. W1—Photostat copy of the Age retirement rules.
- Ex. W2 26-2-85—Photostat copy of the memorandum of settlement arrived between the workmen and the Management of S.C. Co. Ltd., Bellampalli.
- Ex. W3 25-1-88—Copy of the letter addressed by S. Swatantra Reddy, Vice President to the A.L.C. (C),

Mancherial with regard to illegal and forcible termination of S. Bhoomiah.

Ex. W4 27-8-88—Copy of the minutes of Conciliation Proceedings.

Ex. W5 30-11-88—Copy of the failure of conciliation report.

Ex. W6 17-9-69—Photostat copy of the Memorandum of settlement arrived between the Workmen and the Management of M/s. S.C. Co. Ltd., Kothagudem.

Documents marked for the Respondent :

Ex. M1—Identity and Service Records of the Petitioner.

Ex. M2 6-7-81—Xerox copy of the Circular No. P. 49/3533/1981.

Ex. M3 25-1-86—Letter submitted to A.L.C.

Ex. M4 24-8-88—Minutes of Conciliation before A.L.C., Central.

Ex. M-5/1-8-88—Circular Ref. No. P.49/4702/IC,1270.

नई दिल्ली, 16 फरवरी, 1994

का.अ. 713.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुकरण में, एस सी सी एल के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-2-94 को प्राप्त हुआ था।

[संख्या एल-22012/47/89-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 713—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 16-2-1994

[No. L-22012/47/89-IR (C-II);
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, 4th day of February, 1994
Industrial Dispute No. 64 of 1989

BETWEEN

The Workmen of Singareni Collieries
Company Limited, Area I,
Ramagundam Division,
P.O. Godavarikhani-505209,
Dist. Karimnagar, A.P. Petitioner

AND

The Management of Singareni Collieries,
Company Limited, Area-I, Ramagundam
Division, P.O. Godavarikhani-505209,
Dist. Karimnagar, A.P. Respondent

APPEARANCES :

M/s. G. Bikshabathy, G. Vidyasaagar, V. Vishwanathan,
N. Vinesh Rai and K. V. V. Bhaskar, Advocates—
for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, V. Usha Rani,
Praveena Choudhary and V. Ranga Reddy, Ad-
vocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/47/89-IR (C-II) dated 14-9-1989 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the Management of Singareni Collieries Company Limited, Area-I Ramagundam Division and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of M/s. S.C. Co. Ltd., Area-I, Ramagundam Division, P.O. Godavarikhani, Dist Karimnagar (AP) in not granting Grade 'D' from 1980 and Grade 'C' from 1-3-1987 to Sri K. Narsaiah, Lorry Driver, GDK 2-A Incline, is justified? If not, to what relief the concerned workman is entitled?"

This reference is registered as Industrial Dispute No. 64 of 1989 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows :—

It is respectfully submitted that Sri K. Narsaiah, Lorry Driver hereinafter referred to as workman concerned was appointed as General Mazdoor on 16-10-1964 and he was posted to work at Kalyanikhani. Subsequently he was transferred to Ramagundam Main Store w.e.f. 9-1-1975. That the workman concerned was acting as Driver from November, 1974 itself while he was at Kalyanikhani and he was being acting as Driver. While as an acting Driver, he was transferred to Ramagundam Stores, and presently he is working as Driver in 2-A Incline Godavarikhani. The workman concerned is again transferred to 7-A Incline with effect from 18-11-1975 and is presently working in 2-A Incline Godavarikhani. As per the promotion policy, the workman herein is entitled for a next higher grade i.e. Grade 'D' post after completion of five years is category V post. He is entitled for promotion as 'D' Grade in November, 1979. However, the Junior employees who are acting as Drivers much later to the workman herein, were granted 'D' grade with effect from 1-3-1980 but the case of workman herein, was ignored for the reasons best known to the Management. However, the workman was given 'D' grade only from 1-3-1983. As per the settlement entered between which he ought to have been promoted. As per the promotion policy, the promotions are being effected from 1st March, or 1st September of the year in which the workman becomes eligible for holding the higher post. Therefore, since the workman completed five years as Driver, in November, 1979 he became entitled for the D. Grade post from 1-3-1983. As per the settlement entered between the Unions and Management on 21-4-1988, the workman is entitled for further promotion after completion of seven years in the 'D' Grade Driver to the 'C' Grade Driver post w.e.f. 1-3-1987. Since the juniors to the workman were granted 'D' grade and 'C' Grade respectively, as per the promotion policy and settlements entered between the Management and the Unions, the workman concerned was denied the same benefit. It was specifically brought to the notice of the Management that the lorry drivers, viz. Sri Banothu Ramulu, Sri Kanakaiah, Sri Syed Mohammad, Sri Abdul Rahman and Sri Bashu Miya who are acting as Drivers, were granted 'D' Grade from October, 1975 and they were confirmed in the said post whereas the workman herein was confirmed only in the year 1983. It is therefore, prayed that the Hon'ble Tribunal may be pleased to hold that the action of the Management in denying the grant of Grade 'D' and Grade 'C' to the workman, as illegal and unjust and consequently pass an award directing the management to grant Grade 'D' w.e.f. 1-3-1980 and further Grade 'C' from 1-3-1987 with all consequential and other attendant benefits.

3. The brief facts of the counter filed by the Respondent-Management read as follows :—

The Petitioner is put to strict proof that the workman in dispute Sri K. Narsaiah, Lorry Driver, is the member of the petitioner Union since beginning and as such the petitioner Union espoused his case for redressal of his grievance. It is true that the workman was initially appointed in the year 1964 as General Mazdoor in Category I at Kalyanikhan, Mandamari Division. Later on he was transferred on 9-1-1975 as Category I General Mazdoor to Ramagundam Main Stores. The allegation from 1974 onwards he was acting at Kalyani Khani all though is not correct. He was posted as General Mazdoor, Category I in Main Stores Ramagundam. As he was holding the driving licence whenever it was required he was asked to act as Driver at GDK 7 and 7-A Inclines. From 1-4-1977 onwards he was promoted as Driver in Category V at GDK 2-A Incline. It is true that at present he is working at GDK 2-A Incline as Driver after he was promoted as Driver. This petitioner Sri K. Narsaiah was promoted on 1-4-1977 in Category V Driver post and the management entered into Settlement with Singareni Collieries Driver's Association on 30-3-1980 and agreed to draft car and lorry driver who have completed 5 years continuous service as on 1-3-1980 in Category V to monthly Grade D w.e.f. 1-3-1980. Following the said settlement in principle the petitioner was promoted to Grade-D from 1-3-1983. As such the allegation that this petitioner was given the grade only on 1-3-1983 and three years later to the period on which he ought to have been promoted is not correct. Infact the settlement was entered on 30-3-1980, otherwise he could get promotion in Cat. VI instead of Grade-D. It may be noticed this allegation is very vague to find out what juniors were given promotion. The settlement itself was entered in the year 1980 and he was appointed as Driver in the year 1977 and as such he cannot make a demand for promotion reckoning his service when he was not posted nor worked as regular driver. It may be noticed another settlement was entered under Section 12(3) of the I. D. Act on 12-1-1988 between the management and Unions. As per the terms of the said settlement all the Drivers in Grade-D who have completed 7 years of service in Grade-D as on 1-3-1988 will be placed in Grade-C as Drivers and such review will be made twice a year i.e. on 1st March and 1st September. The petitioner Union cannot compare Sri Banothu Ramulu Sri A. Kanakaiah and Sri Syed Mohammad, Sri Abdul Rahman and Sri Babhu Miya cases with Sri K. Narsaiah's case as they are on different footing. The allegation when the above workmen are acting they were granted Grade D is not correct. The allegation that this workman is entitled for Grade D from 1-3-1980 is not correct, and he is entitled for Grade D only from 1-4-1982 and as per the settlement he was given that Grade from 1-3-1983. Similarly the workman is entitled for further promotion after 7 years i.e. 1-3-1987 is not correct. So far as C-Grade is concerned the candidate should be eligible by having served in the company for 7 years in Grade-D. 7 years will be completed by this petitioner in 1990 but not in 1987 even for considering his case by Departmental Promotion Committee. The claim of the petitioner is also illegal and cannot be sustainable in any way. In view of the above mentioned facts this Hon'ble Court may be pleased to dismiss the Petitioner's case and Sri K. Narsaiah is not entitled either for grant of Grade-D with effect from 1-3-1980 and for Grade C w.e.f. 1-3-1987.

4. The point for adjudication is whether the action of the Respondent Management in not granting Grade 'D' from 1980 and Grade 'C' from 1-3-1987 to Sri K. Narsaiah, Lorry Driver is justified or not ?

5. WW-1 was examined on behalf of the Petitioner-Union and marked Exs W-1 to W-10. MW-1 and MW-2 were

examined on behalf of the Respondent and marked Exs. M-1 to M-6.

6. WW-1 is M. Gattaiah. In brief he deposed that he is the Secretary of the Petitioner Union. The petitioner Union espoused the cause of Sri K. Narsaiah, Lorry Driver. The concerned workman in this industrial dispute namely Sri K. Narsaiah has been working as Driver since 1974. The driver will be in Vth category for a period of five years after this appointment and he will be given Grade 'D' Driver after completion of 5 years service. After working for 7 years he will be given Grade 'C' Driver. The drivers in all the three categories viz., Category V, Grade 'D' and Grade 'C' is one and the same. Their Union gave a representation to the Management of the Respondent in 1982 requesting the management to give Grade 'D' to Sri K. Narsaiah. Ex. W-5 is the photostat copy of the office order dated 19-10-1975 confirming Sri K. Narsaiah in the Driver post. Sri K. Narsaiah is placed in 'D' Grade of the driver post w.e.f. 1-3-1983 by the office order dated 11-4-1983 and the photostat copy of the said order is Ex. W-6. One Mr. Mohd. Azeeduddin and 11 others were appointed as Lorry Drivers in Cat. V on different dates subsequent to the appointment of Sri K. Narsaiah. Mohd. Azeeduddin who was appointed under Ex. W-7 was given grade 'D' w.e.f. 1-3-1981 after completion of 5 years service as per the office order dated 27-5-1982 and the photostat copy of the said office order is Ex. W-8. On completion of service after 10 years thereafter, the said Mohd. Azeeduddin was given Grade 'C' w.e.f. 1-3-1988 under the office order dated 1/4-8-1988 and the photostat copy of the said office order is Ex. W-9. The concerned workman Sri K. Narsaiah was given Grade 'C' w.e.f. 1-3-1990 under the office order dated 8-5-1990 and the photostat copy of the said office order is Ex. W-10. The concerned workman has to be given Grade 'D' w.e.f. 1-3-1980 and Grade 'C' w.e.f. 1-3-1987. As he was not given the grade 'D' and Grade 'C' at the right time, he is eligible, he approached their Union and the Union espoused this cause. All the other drivers appointed subsequent to Sri K. Narsaiah were given Grade D and Grade 'C' on completion of 5 years service and 7 years of service respectively but the concerned workman Sri K. Narsaiah was not given Grade 'D' and Grade C on his completion of service of 5 years and 7 years respectively.

7. MW-1 is S. T. Ravindran. He deposed in brief that he is the Personnel Officer, Godavarkhani. He knows the facts of this case. The workman was having a heavy vehicle licence which was valid upto 3 years. Whenever the permanent drivers were on leave they used to give a chance by giving him acting. Sri K. Narsaiah was also paid acting allowance whenever he worked as driver. On 1-4-1977 K. Narsaiah was promoted as Driver Category V and placed in Cat. V. Because of these posts are independent in nature and not coming to the promotion channel the departmental employees whoever was given such opportunity in higher category, the office order they will be given probation. Narsaiah was one of the candidate as such he was placed on probation. Ex. M-2 is the settlement copy dated 30-3-80 wherein the management agreed to place them in higher categories. K. Narsaiah got the benefit of Ex. M-2 after he completed 5 years of service as Driver Category V from 1-4-1977 and he was placed in Grade 'D' on 1-3-1983 i.e. on completion of 5 years of service in Category V. Ex. M-3 is the copy of settlement dated 21-4-1988 wherein the management has agreed for the placement of drivers who are 'D' Grade and who have completed 7 years service in Grade 'D' as on 1-3-1988. Narsaiah was placed in Grade 'C' after he completed 7 years service, as per Ex. M-3. He got this placement on 1-3-1990. The contention of the workmen that he could have been placed in Grade 'D' from Category V in the year 1979 itself does not arise as there was no settlement or any provisions to place employees as Ex. M-2 and M-3 settlements are of 1980 and 1988. There is no procedure in the company for acting people to a confirmed as the drivers went on strike and requested to place in future to be in drivers list sought for acting confirmation. Ex. W-5 was given. Ex. W-5 is not a regular appointment so issuing probation does not arise. The claim of Sri K. Narsimha is not tenable as he has not completed 5 years service in Category V by 1979. One Banthi Ramulu Sri A. Kanakaiah and Sri Syed Mohammed, Sri Abdul Rahman and Sri Basha Miya were confirmed drivers as on 19-10-1975. As on that date K. Narsaiah was not acting continuously as driver as such he cannot compare his case with the above mentioned persons. All these 5 persons are seniors to K.

Narsiah in Category V. The promotion of an employee is based on assessment and also based on the tests conducted by the Departmental promotion committee. National Coal Wage agreement first time came into existence in 1978. While placement were done Sri K. Narsiah agreed for his placement as Category V and never raised any protest. There is no provision to take the acting periods as service for the purpose of eligibility either to give promotion or to place the employee in higher category. Whenever K. Narsiah acted in higher category in short spells acting allowance was paid to him the question of now making payment as different from 1988 on the alleged ground he ought to have placed in Grade 'D' in the year 1979 does not arise. There was no settlement before 30-3-1980 to concede a position to place the drivers in Grade 'D' as such Narsiah is not entitled for the relief prayed for.

8. MW-2 is K. Rajeswara Rao. He deposed in brief that he is working as Special Grade Clerk in Singareni Collieries Company Limited, At Ramagundam. He knows K. Narsiah Driver who has raised this I.D. The Andhra Pradesh Colliery Mazdoor Sangh has raised the present dispute. The Petitioner is claiming promotion of Category V to Grade 'D' from 1-3-1980 and Grade 'C' from 1-3-1988. There is a settlement between the management and the Drivers Association entered on 30-3-1980. Ex. M-4 is the xerox copy of the said settlement dated 30-3-1980 entered into by the management with the Drivers Association. One should possess valid heavy vehicle driving licence for appointment as Driver Category V and one should have 5 years continuous service as Driver in Category V for becoming eligible for promotion to Grade 'D'. Ex. M-5 is the identity and service card of the employee petitioner K. Narsiah. The petitioner was appointed as General Mazdoor Category I in 1964. From 1975 the petitioner worked as Acting Driver. He was made permanent as Driver in 1977 in Category V. As per the Settlement dated 30-3-1980 an employee has to work for 5 years as Driver in Category V to become eligible for promotion to Grade 'D'. Sri Basumiya was appointed in the year 1964 as general mazdoor in Category I. Ex. M-6 is the identity and service card of Bashu Miya. In 1974 he became an acting driver. By 1980 March, Sri Bashumiya completed 5 years and became eligible for going into the next higher grade 'D'. Promotion from Category V to Grade 'D' are automatic on completion of 5 years in Category V and for promotion from Grade 'C' to Grade 'D' promotion is automatic on completion of 7 years in Grade 'D'. In the year 1988 for the first time the petitioner raised the dispute. Although the petitioner is claiming promotion to 'C' Grade from the year 1987, he has not raised any dispute in 1987. Ex. M-3 is another settlement regarding promotion of driver in Grade 'D' to 'C' Grade. The date of that settlement is 21-4-1988. Sri Bashumiya was promoted to 'C' Grade w.e.f. 1-3-1988. This promotion was given to Bashumiya only after the settlement dated 21-4-1988 was entered into with retrospective effect. Promotion to 'C' Grade on completion of 7 years were given only from 1-3-1988 after the settlement dated 21-4-1988.

9. The allegation of the Petitioner Union that K. Narsiah was appointed as General Mazdoor on 16-10-1964 and he was posted to work at Kalyani Khani. Later he was transferred to Ramagundam Main Stores w.e.f. 9-1-1975. K. Narsiah was acting as Driver from November, 1974 itself while he was at Kalyani Khani. Even after his transfer to Ramagundam, he was continuously being given as acting Driver and presently he is working as Driver in 2-A Incline Godavarikhani. K. Narsiah is entitled for a next higher grade i.e. Group 'D' post after completion of five years in Category V post. Hence he is entitled for promotion as 'D' Grade in November, 1979. The contention of the Respondent Management on the other hand is that the workman was initially appointed in the year 1964 as General Manager in Category I at Kalyani Khani, Mandamarry Division. Later on he was transferred on 9-1-1975 as Category I General Mazdoor to Ramagundam Main Stores. That Sri K. Narsiah is holding Driving licence and whenever permanent drivers are on leave he was given acting driver post and in 1974 as he has worked as acting Driver he was paid acting allowance. Even after his transfer to Ramagundam Sri K. Narsiah was continuously acting as Driver is not correct. From 1-4-1977 onwards he was promoted as Driver in Category V at GDK-2-A Incline. It is true that at present he is working at GDK 2-A Incline as Driver after he was promoted as Driver.

10. Now this Tribunal has to see whether K. Narsiah worked as acting Driver from November 1974 while he was at Kalyanikhani and while he was working as acting driver, transferred to Ramagundam Stores even after his transfer to Ramagundam. A perusal of Ex. W-4 an office order issued on 9-11-1975 wherein the contents of it is as follows :

"The following Drivers are transferred from Stores to the Mines shown against them. This transfer is to be effect to immediately.

- | | |
|--------------------|----------------|
| 1. Sri Shabbir Ali | .. GDK 6 Inc. |
| 2. Sri K. Narsiah | .. GDK 7 Inc." |

As per the above office order it is seen that at the time of issuing the office order Sri K. Narsiah was working as Driver during the year 1975. Ex. W-5 is another office order dated 19-10-1975 is as follows :

- | | |
|-----------------------|--------------------------|
| 1. Sri Danothu Ramulu | } Acting drivers Stores. |
| 2. Sri A. Kanakaiah | |
| 3. Sri Syed Mohammad | |
| 4. Sri Abdul Rahman | |
| 5. Sri Bashu Miya | |

On satisfactory completion of your acting period as driver, you are hereby confirmed as Driver, you are hereby confirmed as Driver with effect from 19-10-1975 "

As seen from the above order S. No. 1 to 5 who are acting as Drivers, were granted 'D' Grade from October 1975 and they were confirmed in the said post whereas K. Narsiah was confirmed only in the year 1983. I find that since the juniors to Sri K. Narsiah were granted 'D' Grade and 'C' Grade as per the promotion policy and settlements entered between the Management and the Unions. Sri K. Narsiah was denied the same benefit as was given to the other Drivers mentioned in Ex. W-5, who were acting as Drivers. From the above two documents i.e. Exs. W-4 and W-5 I find that there is a clear ambiguity on the para of the Respondent Management in not giving promotion to Sri K. Narsiah w.e.f. November, 1979. As per the promotion policy, Sri K. Narsiah is entitled for a next higher Grade i.e. Grade 'D' post after completion of five years in Category V post. It is further seen that as per the Settlement entered between the Unions and Management on 21-4-1988, Sri K. Narsiah is entitled for further promotion after completion of seven years in the 'D' Grade Driver to the 'C' Grade Driver post w.e.f. 1-3-1987.

11. A perusal of Ex. M-6 Service Card of Bashu Miya. The contents on Page 5 of Ex. M-6 read as follows :

"He was transferred from Bellampalli (MM) as Acting Driver in the year 1976 and was confirmed as Driver Category V w.e.f. 19-10-1975 No. DO/RG/5-B/75/1660 dated 19-10-1975."

Though Bashu Miya was working as Acting Driver in the year 1976 he was given promotion with retrospective effect i.e. from 19-10-1975. Basing on this point, Sri K. Narsiah should be given promotion with retrospective effect i.e. he becomes entitled for Grade 'D' post from 1-3-1980.

12. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division, P.O. Godavarikhani, District Karimnagar (AP) in not granting Grade 'B' from 1980 and Grade 'C' from 1-3-1987 to Sri K. Narsiah, Larry Driver, GDK 2-A Incline is not justified. Sri K. Narsiah is entitled to Grade 'D' post with effect from 1-3-1980 and further he is entitled to Grade 'C' with effect from 1-3-1987 with all consequential and other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on
behalf of the Petitioner-
Workman :

WW-1—M. Gattaihu.

Witnesses Examined on
behalf of Respondent
Management :

MW-1—S. K. Ravindran.

MW-2—K. Rajeswara Rao.

Documents marked for the Petitioner-Workman :

- Ex. W-1/10-10-88—Copy of the application dated 10-10-1988 submitted by the Vice President, A.P. Colliery Mazdoor Sangh, before the Asst. Commissioner of Labour (C), Hyderabad.
- Ex. W-2/0-1-89—Xerox copy of the minutes of conciliation proceedings held on 9-1-1989.
- Ex. W-3/27-1-1989—Xerox copy of the failure report dated 27-1-1989 submitted by the A.C.C. (C), Hyderabad to the Secretary to the Government of India, New Delhi with regard to K. Narasaiah, Lorry Driver.
- Ex. W-4/9-11-75—Photostat copy of the office order issued by D.S.R.G. II. The S.C. Co. Ltd., Ramagundam Division to K. Narasaiah with regard to K. Narasaiah transferred from Stores to GDK 7 Incline.
- Ex. W-5/19-10-75—Photostat copy of the confirmation letter issued by the D.S.R.G. II. S.C. Co. Ltd., Ramagundam Division with regard to Acting Drivers Stores.
- Ex. W-6/11-4-83—Photostat copy of the Office Order issued by the General Manager, Godavarihathi to Sri K. Narasaiah, Driver, Category V, GDK No. 3 Incline and another.
- Ex. W-7/4/17-3-76—Photostat copy of the office order issued by the Dy. COS, RG., S.C. Co. Ltd., with regard to temporary appointments of lorry drivers.
- Ex. W-8/27-5-82—Photostat copy of the office order issued by the Addl. G.M., GDK., S.C. Co. Ltd., with regard to Category V Drivers.
- Ex. W-9/1/4-5-88—Photostat copy of the office order issued by the G.M., RG. I. S.C. Co. Ltd., with regard to Drivers of Ramagundam Area-I.
- Ex. W-10/8-5-90—Photostat copy of the Office Order issued by the G.M., RG. I. S.C. Co. Ltd., with regard to Drivers of GDK No. 2-A Incline.

Documents marked for the Management :

- Ex. M-1/15-4-77—Office copy of issued to K. Narasaiah.
- Ex. M-2/30-3-80—Copy of settlement with regard to place the Drivers in higher categories.
- Ex. M-3/21-4-88—Settlement with regard to placement of Drivers wherein 'D' Grade as who completed 7 years of service in Grade D as on 1-3-88.
- Ex. M-4/30-3-86—Agreement regarding promotions of Drivers and allowance etc., (xerox copy).
- Ex. M-5—Identity Service Card of Sri K. Narasaiah.
- Ex. M-6—Identity Service Card of Sri Basu Miya.

नई दिल्ली, 16 फरवरी, 1994

का.आ. 714.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, एम.सी.सी.एस. के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-2-94 को प्राप्त हुआ था।

[संख्या एल-21012/89/87-डी-III (वी.)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 714.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government 16-2-1994.

[No. L-21012/89/87 D III (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT : Sri Y. Venkatachalam, M.A., B.L.,
Industrial Tribunal-I

Dated, the 2nd February, 1994

INDUSTRIAL DISPUTE NO. 71 OF 1987

BETWEEN

The Workmen of Singareni Collieries
Company Limited, Bellampalli,
Adilabad District, A. P., Petitioner.

AND

The Management of Singareni Collieries
Company Limited, Bellampalli,
Adilabad District A.P., Petitioner

APPEARANCES :

Sri B. Ganga Ram, Representative for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for
the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21012/89/87-D.III(B), dt. 3-12-1987 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the Management of Singareni Collieries Company Limited, Bellampalli and their Workmen to this Tribunal for adjudication :

"Whether the action on the part of the Management of M/s. Singareni Collieries Co. Ltd., Bellampalli in dismissing the services of Sri Konda Chalmamaiah Sanitary Muccadam, Health Department, Bellampalli with effect from 29-7-1986 is fair and justified? If not, to what relief the workman is entitled?"

This reference was registered as Industrial Dispute No. 71 of 1987 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows :

Sri Konda Chalmamaiah was working (since the workman died on 27-10-1987) as a Sanitary muccadam in the Health Department in the Singareni Collieries Company Limited, at Bellampalli. Smt. Konda Mieramma the wife and the legal heir of the deceased workman late Sri Konda Chalmamaiah has authorised the Union to represent in this case before the Hon'ble Industrial Tribunal at Hyderabad. Late K.

Chalmaiah was charge sheeted that he had unauthorisedly occupied Company's land to an extent of 24' x 12' and constructed a room connecting his quarter allotted by the Company and he was asked to remove the structure a room connecting his quarter Company. The workman replied that his two sons are also employed in the Singareni Collieries Company Limited, and they are not allotted any company's quarter and the small quarter allotted to him by the Company is quite insufficient hence he constructed that at the time of his retirement, he will hand over the piece of land to the Company. Here it has to be made clear that it is not the Patta land of the Company but this land has been given to the Singareni Collieries Company Limited by the State Government on the basis of lease. Moreover when Sri K. Chalmaiah applied the Executive Officer, Gram Panchayat for permission to construct the rooms the Gram Panchayat authorities have put a public notice of 15 days to show objections if any but the Singareni Collieries Company Limited management did not raise any objection for this construction and finally the executive officer Gram Panchayat Chandravelli accorded permission for the construction of the rooms on 10-9-1982. The background of this wrongful and unjustified dismissal is that Sri Konda Chelmaiah who was an ex-servicemen and a man of integrity and strict discipline and did not surrender before the unlawful demand of some officers and he refused to send sanitary mazdoors to the houses of officers in charge for their domestic purposes, hence the officers had grudge upon this sanitary muccadam Sri Konda Chalmaiah. With the above grudge, the Management started harassment of Sri Chelmaiah through charge sheets, suspension and finally he was victimised through the drastic action of dismissal w.e.f. 29-7-1986. During 1984 he was charge sheeted vide dt. 15-4-1984 to remove the structure of room. The workman had replied that he constructed a room connecting his quarter is quite temporary and it was not the deprivation of Company's property as alleged in the above said charge sheet. The workman had explained to the Company that in all the basties of Bellampalli town, several company's employees and non-employees had occupied the Company's leased land and constructed pucca buildings but not of such persons were asked to dismantle their pucca buildings and on the other hand the S.C. Management has given them power and water connections to such unauthorisedly constructed houses. The workman had requested the Company's authorities to conduct an open enquiry in his own basties itself to show a number of illegal constructions by the workers employed by the workers employed by the Singareni Collieries Company Limited but the company did not agree for such an open enquiry. A few workers who had constructed pucca buildings unauthorisedly during 1975 to 1987 in the Company's land in the Gole bungalow basties in which workman Sri K. Chelmaiah was residing but the management did not take any action on them so far. They are Abdul Sather, Vemula Rama Swamy, Bellamkonda Prabhakar, George Muller, B. Nanaiah, Zainulabdeen etc. In these circumstances it has become the talk of the town and everybody is questioning that why Sri Konda Chalmaiah has been singled out and apart from 6 days suspension, he was dismissed from the service of the Company w.e.f. 29-7-1986. He was given double punishment of suspension and dismissal. This is nothing but discrimination and clear case of victimisation of a sincere sanitary muccadam who refused to violate the discipline in the company which is the public sector. The dismissal of the workman on 29-7-1986 has proved not only economic murder but due to this unjustified drastic action the workman got heart attack and finally collapsed on 27-10-1987 and thus the sincere most workman has become the victim of discriminative and unjustified and drastic action of the management. Moreover the construction of a room with the permission of the Government authorities on the Company's leased land does not come under

the definition of misconduct since nothing is mentioned in the Company's Standing orders. Due to this reason only, the Management did not take any action on thousands of persons who have unauthorisedly constructed big pucca buildings on the company's land from this it is clear that the action of the management in dismissing the workman w.e.f. 29-7-1986 is mala fide and amounts to victimisation. It is submitted that the action of the management in dismissing Chalamaiah is illegal and wrongful since the existing standing orders of the Company have become outmoded and do not apply to the charge sheeted workman. As per Clause 2(A) of the existing standing orders of the Company, it applies to those persons who are getting upto Rs. 300.00 as monthly basis. In Singareni Collieries the minimum basic of any worker is not less than Rs. 800.00 per month. Hence as per these Standing Orders, the management's action on Sri K. Chelmaiah is illegal and against the Company's Standing Orders since his basic wages were above Rs. 800.00 per month when he was dismissed from the service of the company. We pray that the Hon'ble Tribunal to quash the dismissal order in respect of Sri Konda Chelmaiah, ex-Sanitary Muccadam and pay full back wages till his death to the wife and legal heir of late Konda Chalmaiah and the Hon'ble Industrial Tribunal to pass orders that the management should pay the costs of the case to Smt. Meramma the wife of the late Konda Chalmaiah.

3. The brief facts of the counter filed by the Respondent-Management read as follows :—It is true that late Konda Chelmaiah, the workman in dispute used to work as Sanitary Muccadam in the Health Department of the Respondent-Company. It is respectfully submitted that the legal representative of Konda Chalmaiah have not taken any steps to be impleaded as parties. It is submitted that Sri Konda Chalmaiah during his life time unauthorisedly occupied the Company's land and constructed a room without the permission of the Company. As such, he was charge sheeted and reply was called for. The workman in dispute has submitted his explanation and as the management was not satisfied with the explanation, conducted a domestic enquiry. The management after having gone through the enquiry report, enquiry proceedings, past conduct of the employee and applying its mind, passed the order of dismissal on 29-7-1986. The workman admitted his unauthorised construction but the reasons given by the employee cannot exonerate him from the misconduct committed by him. Having constructed the room unauthorisedly, he wanted to surrender the same or the land at the time of retirement. It is submitted that the management has no knowledge about the permission applied by Sri Konda Chalmaiah to the Gram Panchayat authorities. No specific notice was served to the company. The allegation that the officers had grudge upon Sri Konda Chalmaiah because he did not surrender before the unlawful demand of some officers and he refused to send sanitary mazdoors to the house of officers in charge for their domestic purposes is totally false. The allegation that in all the basties of Bellampalli town several Company's employees and non-employees had occupied the Company's leased land and constructed pucca buildings, but none of such persons were asked to dismantle their pucca buildings is not correct. The management is taking appropriate action against the tress passers and unauthorised constructions. The allegation that the workman has asked for open enquiry and the Management did not agree is not correct. The allegation that there is a talk in the town that why Sri Konda Chalmaiah has been singled out, he was suspended and later on dismissed is totally false. The allegation that suspension and dismissal are double punishments is not correct. The allegation that the dismissal order is economic murder, which resulted in heart attack of Konda Chalmaiah and finally he collapsed is not correct. The dismissal order was passed on 29-7-1986 and the employee died on 27-10-1987. The allegation that the construction of the room does not come within the definition of the misconduct is not correct and further allegation that only because of this the management has not taken against several persons who have unauthorisedly constructed pucca buildings in Bellampalli town in the Company's land is not correct. The allegation

that the Standing Orders are not applicable to the workman in dispute is not correct. The case law cited i.e. 1984 (II) L.J. is not applicable to the case of the workman. The allegation that the action of the management in dismissing Sri Konda Chalamaiiah from the service of the Company is wrongful and unjustified and discriminative is not correct and the workman's wife Smt. Konda Maramma is not entitled for full back wages in respect of her late husband Sri Konda Chalamaiiah from the date of his dismissal till his death i.e. from 29-7-1986 to 27-10-1987. This Hon'ble Tribunal may be pleased to dismiss the claims statement.

4. The point for adjudication is whether the action of the Respondent management in dismissing the services of Sri Konda Chalamaiiah, Sanitary Muccadam, Health Department, Bellampalli w.e.f. 29-7-1986 is fair and justifiable?

5. M.W1 was examined on behalf of the Respondent Management and marked Exs. M1 to M7. No oral or documentary evidence has been adduced on behalf of the Petitioner-Union.

6. On the above oral and documentary evidence by the Management, this Tribunal passed an Order on 20-11-1993 holding that the domestic *ex parte* enquiry was held properly and it is not vitiated at all.

7. Another order was passed by this Tribunal on 4-8-1990 holding that Smt. K. Maramma the wife and legal heir of her late husband Sri Konda Chalamaiiah is impleaded in the main case I.D. No. 71 of 1987.

8. Sri Konda Chalamaiiah was working as a Sanitary Muccadam in the Health and Sanitary Departments in Bellampalli Area. The case of the workman Sri K. Chalamaiiah is that he was victimised by the General Manager Sri S.S.R. Sastry, since Sri K. Chelmaiiah did not succumb to the wrongful pressure of Sri S.S.R. Sastry and refused to send 10 workmen from Sanitary Mazdoors to work in the gardens of the G.M.'s Bungalow and other officers Bungalows. Sri S.S.R. Sastry adopted quite revengeful attitude to see the end of Sri K. Chalamaiiah at any cost and the workman was given three punishments. The allegation that Chalamaiiah was charge sheeted that he had occupied a piece of company's land 12' x 24' without permission and not vacated the land. The workman replied that his three sons are also employed by the Singareni Collieries Company and they are not allotted any quarters and the quarter 6 which was allotted to Sri K. Chelmaiiah is quite in sufficient to such a big joint family hence he occupied a piece of land 12 x 24 feet adjoining his quarter No. 6 and constructed a room. He has taken the permission of local self Government as per rules but the company did not make any objection on the fifteen days notice of self Government for construction of room. He also gave written undertaking that at the time of his retirement, he will handover the land of the company. He also stated that there are quarters in the same basthi having similar rooms constructed but they were ignored whereas his case is being reviewed seriously, perhaps this malafide action was directed against him to victimise him. To the show cause notice issued by the G.M. dated 10-3-1986 the workman Chalamaiiah replied on 16-3-1986 to give opportunity to participate in the enquiry and also requested the management to conduct an open enquiry that several hundreds of people constructed pucca buildings and company has supplied water and power to them and no action was taken on any body but the management did not conduct any open enquiry on this point. M.W2 who was examined on behalf of the Respondent-Management, he stated in his cross examination as follows :

"It is true that workman has replied to the G.M. to the show cause notice that I shall be given full opportunity to participate in the enquiry and the workman also demanded to conduct open enquiry that many workers and non workers have occupied the company land and the Management gave power and water connections also to such people. The management did not conduct open enquiry on this issue."

M.W2 stated that for the same misconduct the workman has been suspended, dismissed and the management filed a suit in the civil court. He further stated that "I do not know whether anybody has been dismissed for occupying the land unauthorisely". The argument of the representative for the Petitioner-workman that the real fact is that there is no such case of taking drastic action so far on any workman for occupying a land, hence M.W2 stated that he does not know. If really there are such cases, he would have mentioned in his deposition since he is a senior Personnel Officer and hence he knows if such cases are there. The further argument of the representative for the Petitioner-workman that M.W1 also stated in the cross examination that "by the occupation of land the company did not sustain any special losses or damages". From the above statements, I find that the statements of M.W1 and M.W2 are clear that due to occupation of land 12 x 24 feet, the company did not sustain any losses or damages. Hence the question of any dishonesty or damage to the Company does not arise. The allegation of the petitioner-Union that in the charge sheet it was alleged that Sri K. Chelmaiiah occupied pieces of land and in the affidavit dated 15-10-1988, it was stated that due to unauthorised occupation of Company's vacant quarter, hence after enquiry he was dismissed. It is pertinent to note that M.W1 also accepted these contradictory statements in the cross examination.

9. The next point to be considered is what is misconduct and what is not misconduct and whether the charge of occupation of piece of land comes under the misconduct as per the Standing Orders of the Company. As per the certified Standing Orders of the Company, to occupy company's land, does not cover under the misconduct. The Representative of the Petitioner-Union cited case laws on this aspect. In the judgement of *RASIKIA v AHMEDABAD MUNICIPAL CORPORATION* (AIR 1985 (SC) page 505—1985 (50) FLR page 201 SC) wherein it was held :

"It is well settled that unless either in the certified standing orders or in the service regulation, an act or commission is prescribed as misconduct, it is not open to the employer to fish out some conduct as misconduct and punish the workman even though the alleged misconduct would not be comprehended in any of the enumerated misconduct."

In another decision reported in *P.B. RACHO v. UNION OF INDIA* (1984-II L.J. page 203) held as follows :

"Misconduct must be mere than breach of terms of agreement or rule. It must ordinarily something which must infringe upon the conduct, expected of an employee with reference to or in discharge of his duties as an employee or violation of a condition subject to which he was conferred benefits as an employee or violation of special obligations imposed upon him as a condition for conferment of privilege upon him or must be related to discipline."

There is another interesting case reported in *NANDITA B. PALEKAR v. Y. S. KASHBEKA AND OTHERS* (1985 (II) L.J. page 336 Bombay High Court) wherein it held :

"When an allotment of a tenement was made to an employee on condition that breach of terms of allotment would entail eviction of the allottee, even a deleterious breach of such conduct cannot be deemed to be a breach of discipline warranting disciplinary action, only action for eviction of the employee can be taken".

This case law is in connection with a quarter and the Hon'ble High Court stated that even a deliberate breach of contract also cannot be deemed to be a breach of discipline warranting disciplinary action. The High Court has also stated that the only remedy is an action for eviction of the employee from the quarter. Whereas in the instant case of Sri K. Chelmaiiah the Management should have filed a suit in the Civil Court for eviction of workman for the peace of land but the management has resorted to trifle actions i.e. suspension, dismissal and lastly filing a suit in the Civil Court. I find, as a matter of fact, there was no need of the piece of land 12 x 24 feet but it was taken only a pretext to victimise the workman Sri K. Chelmaiiah.

10. As a matter of fact, the Management has got no right to take three kinds of disciplinary actions for the same charge of occupying the land of 12x24 feet even though it is not a misconduct. The representative of the Petitioner-Union filed a decision reported in Civil Appeals No. 301/84 dated 27-7-1988 S.C.

"There cannot be two punishments for the same act of misconduct, it is clear that for the same act of misconduct the employee has been punished twice, i.e. firstly by stoppage of one increment by one year and secondly by placing him below the juniors in the seniority list".

From the above it has been proved beyond doubt that the reble punishments to Sri K. Chelamaiah is malicious and it is nothing but the climax of victimisation. So from the all above reasons it has been proved that the action of the Management of Singareni Collieries Company Limited, Bellampalli, in dismissing the service of the workman K. Chelamaiah w.e.f. 29-7-1986 is quite unfair and unjustified.

11. In the result, the action of the part of the Management of M/s. Singareni Collieries Company Limited, Bellampalli in 29-7-1986 is unfair and unjustifiable. Sri Konda Chelamaiah dismissing the services of Sri Konda Chelamaiah, Sanitary Muccadam, Health Department, Bellampalli with effect from is entitled for the back wages and all other benefits till the date of his death i.e. 29-10-1987 to Smt. Konda Meramma the wife and legal heir of late Konda Chelamaiah.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 2nd day of February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined
for the Petitioner :

NIL

Witnesses Examined
for the Respondent :

M. W1 K. V. Subba Rao
M. W2 C. Gopala Rao

Documents marked for the Petitioner :

NIL

Documents marked for the Respondent :

- Ex. M1 Photostat copy of the office order dt. 20-5-1985 issued to K. V. Subba Rao by the Agent/BPA S.C. Co. Ltd., to conduct domestic enquiry.
- Ex. M2 Charge Sheet dt. 30-5-1985/12-6-1985 issued to Konda Chelamaiah by the Superintendent, S.C. Co. Ltd., Area Hospital, Bellampalli.
- Ex. M3 Explanation to the charge sheet dt. 22-6-1985 submitted to the Superintendent, Area Hospital, Bellampalli by K. Chelamaiah.
- Ex. M4 Enquiry notice dt. 28-7-1985 issued to K. Chelamaiah by the Superintendent, Area Hospital, Bellampalli.
- Ex. M5 Enquiry proceedings dt. 5-8-1985.
- Ex. M5(a) Signature of K. Chelamaiah in Ex. M5.
- Ex. M6 Enquiry Report dt. 24-8-1985.
- Ex. M7 Dismissal order dt. 28-7-1986.

नई दिल्ली, 16 फरवरी, 1994

का.आ. 715.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में एम सी सी एल के प्रबंधक के संबद्ध निधियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्र सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-2-1994 को प्राप्त हुआ था।

[संख्या एन-22012/15/92-आई आर (सी-II)]

राजा लाल, ई.ए. अधिकारी

New Delhi, the 16th February, 1994

S.O. 715.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 16-2-94.

[No. L-22012/15/92 IR-C.U]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

Present :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 7th day of February, 1994

INDUSTRIAL DISPUTE NO. 20 OF 1992

BETWEEN

The Singareni Coal Mines Karmika Sangh .. Petitioner
AND

The General Manager (Project) Singareni Collieries Company Limited, Manuguru, Khammam Dist.

Respondent.

Appearances :

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/15/92-IR(C.II) dt. 3-4-1992 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the management of Singareni Collieries Company Limited, Manuguru and their workmen to this Tribunal for adjudication :

"Whether the demand of Singareni Coal Mines Karmika Sangh (EMS) for promoting Sarvasri M. Sarangapani, Ch. Paulson and K. V. Subrahmanyam, General Mazdoors who are discharging duties of Tool Room Attendants at Workshop Open Cast-I, M/s. S.C.C. Ltd., Manuguru since 1985 in appropriate grade 'E' is justified? If so, to what relief the workmen are entitled to?"

This reference is registered as Industrial Dispute No. 20 of 1992 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Karmika Sangh read as follows :—It is submitted that the concerned workmen in this dispute are working as General Mazdoors in workshop, Open Cast-I, Manuguru area of the Respondent Company since 1984, but they are entrusted the jobs which are not usually entrusted to General Mazdoors, Category I and they are entrusted the following jobs right from their appointment as General Mazdoors in the workshop. 1. Issue of Special Tools, 2. Issue of all types of Lubricants and Hydraulic Oils, 3. Writing indents and drawing materials from stores, 4. Writing machinery log books, 5. Booking Musters in back shifts. It is submitted that the above jobs are assigned to only clerical staff/tool room attendants/Tradesmen. Therefore the concerned workmen were requesting for the appropriate grades to them right from 1985 but in vain. It is submitted that the incharge of the workshop who extracts and supervise the work of the concerned workmen had recommended to draft, the concerned workmen to 'E' Grade in December 1985 itself to the Agent (Projects) Manuguru who in turn wrote to Chief Personnel Officer for guidance in July, 1986 and issued reminder in August, 1986, but no action was initiated. It is further submitted that the Industrial Engineering Department who are responsible for man power assessment in the Respondent Company have identify 3 Tool Room Attendant posts in Grade 'E' in the Open Cast Workshop, Manuguru in March 1987 itself. And that the Senior Divisional Engineer, Workshop had submitted

a promotion proposal to the Agent to fill up those posts by promoting concerned workmen in this dispute. No action is initiated so far. That the Respondent Company promoted one Sri T. Venkateswara Rao, General Mazdoor, Main Workshop, Kothagudem as Tool Room Attendant in Category IV vide their order No. P.A.K. 3/1/716 dt. 16-7-1982 but failed to consider the cases of the concerned workmen. It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the demand of the Petitioner Union for promotion of S/Sri M. Sarangapani, Sri Paulson and K. V. Subramanyam, General Mazdoors as Tool Room Attendants in Grade E is justified and in consequence direct the Respondent-Management to promote the concerned workman to the post of Tool Room Attendants, Grade-E w.e.f. 1-1-1985 and pass the Award accordingly.

5. The brief facts of the counter filed by the Respondent-Management read as follows :—It is submitted that all the three workmen in dispute were appointed as General Mazdoors in Workshop at Open Cast Mine, Manuguru, since 1984. It may be noticed that the post of General Mazdoor is the first category in the Respondent. They were not qualified for any skilled or semi-skilled jobs. They will be attached to assist the skilled workmen and also on various miscellaneous jobs which are unskilled in nature. Thus at whichever place they are posted they have to work assisting the skilled workmen and carry the work as per the directions given by their superiors. No skilled work is required for issuing the special tools, lubricants, hydraulic oils etc. Even otherwise, the General Mazdoors are not entrusted to do any work independently without the supervision of the higher officials. As per the instructions of the superior officials they will be handling the same, as the job being routine job. Indents will be written by the Clerks engaged in Stores who also maintain the bin cards. So, question of General Mazdoors writing indents does not arise, due to the main reason that the bin card will reflect the indented material and the material despatched. The Operators, who are working on machines, will maintain the log books. All the three Operators posted on a particular machine will be writing the same log book, i.e. reading of the meter of that machine in their respective shifts. As the workmen were working in such categories, earlier to implementation of N.C.W.A. not to deprive them of their old category V they were cushioned in new Category III. There is no such post called Tool Room Attendant in Singareni Collieries Company Limited, after the Joint Bipartite Committee for the Coal Industry and N.C.W.A. came into existence. The Wage Board descriptions also have not classified the post of Tool Room Attendant at all. Because a General Mazdoor attending the work at Stores, Workshop and issuing Tools as per the instructions of Superiors for the purpose of identification he was called as Stores issue Mazdoor. But there is no such designation like 'Tool Room Attendant' either to confer on these workmen or to pay salary in commensurate with Grade-E. Because of some recommendations were made to the Agent or the Mines for posting as Tool Room Attendant, by submitting proposals to the posts which are not existing he got a doubt, checked up the records and could not locate in the wage board recommendations. Hence, this case was referred to the Chief Personnel Officer for guidance. The Chief Personnel Officer having looked into the whose issue in toto found that either there are sanctioned posts nor the such nomenclature to post the workmen in dispute. So, question of Divisional Engineer submitting a proposal for promotion to the Agent and the Agent conceded their request does not arise. It is against the established principles and procedure of promotion policy. It is respectfully submitted that Sri T. Venkateswar Rao was working since 1972 at Kothagudem Workshop. As Sri T. Venkateswar Rao, having developed skill for machinist he was posted as Tool Room Attendant and later he was promoted to Category IV. Though he was designated wrongly as Tool Room Attendant, he is working in the machine shop in the Main Workshop Kothagudem. The Tool Room Attendant designation given to him was treated as personal to him. The workmen in dispute cannot compare their case with the job of Sri T. Venkateswar Rao. The alleged tool room attendant designation has been stopped and it is not continued. There are no merits in the Petitioner's case. The workmen in dispute are not entitled either for Grade-E or designation as Tool Room Attendant. The Hon'ble Court may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the demand of the Petitioner Union for promoting Sarvasri M. Sarangapani, Ch. Paulson and K. V. Subramanyam General Mazdoors who are discharging duties of Tool Room Attendants at Workshop Open Cast I since 1985 in appropriate Grade 'E' is justified?

5. W.W1 is examined on behalf of the Petitioner-Union and marked Exs. W1 to W9. No oral or documentary evidence has been adduced by the Respondent-Management.

6. W.W1 is K. V. Subrahmanyam. He deposed in brief that he is the concerned workmen in this dispute. He is giving evidence on behalf of other workmen. He was appointed on 9-12-1983 as General Mazdoor, in the Open Cast I workshop. The other workmen are also working from April, 1985 along with him, in the same workshop. His duties are issuing of tools, taking back the tools and maintaining the record of the same and preparation of indents and drawing material from the stores, writing indents. The other workmen are also doing the same work in their shifts. He is doing the same jobs from the date of his appointment i.e. 9-12-1983. Upto 1989 he was writing log books, muster in back shifts. The other workmen also are doing the same job. Ex. W1 is a xerox copy of recommendation letter dt. 5-12-1985 issued by Senior Divisional Engineer for fixing suitable grade for Tool room. Ex. W-2 is xerox copy of letter dt. 29-8-1986 issued by Agent to C.P.O. Kothagudem for appropriate grade/category to tool room attendant. Ex. W3 is xerox copy of recommendatory letter dt. 5-7-1987 issued by the Sr. Divisional Engineer to Agent O.C.I. Manuguru for recommending the Category IV. Ex. W4 is the office order dt. 15-7-1982 issued by Executive Director issued to T. Venkateswara Rao, General Mazdoor of main workshop, Kothagudem appointing as Tool Room Attendant in Category IV. Ex. W5 is the copy of representation dt. 19-4-1989 issued by Singareni Coal Mines Karmika Sangh to the Management of Singareni Collieries Company. Exs. W6 to W8 are the copies of representation dt. 6-2-1990, 26-7-1990 and 16-9-1990 respectively to the Asstt. Commissioner of Labour (Central). He is praying this Tribunal to promote to him the Category IV Tool Room Attendants Category IV from 1983 and to the other workman Sri Sarangapani Paulson from 1-4-1985.

7. It is the case of the Petitioner-Sangh that the three concerned workmen in this dispute who are General Mazdoors Category I are performing the work of Tool Room Attendants since 1984 at the workshop of Open Cast-I, Manuguru Area of the Respondent Management, and their cases were recommended for promotion as Tool Room Attendants 'E' Grade once in 1985 and again in 1987 but the same were not considered.

8. The evidence of K. V. Subrahmanyam who is examined as W.W1 stated that he is one of the three concerned workmen that he is appointed as General Mazdoor and he is working as Tool Room Attendant at Open Cast I Workshop, that other two concerned workmen are working along with him as Tool Room Attendant in other shifts in the same workshop, that their cases were recommended for promotion through Ex.W1 by the Senior Divisional Engineer, that Ex.W3 is another recommendation, Ex.W4 is an office order promoting one Sri T. Venkateswara Rao, General Mazdoor as Tool Room Attendant in Category IV, Exs.W5 to W8 are the representations for promotions.

9. Ex. W-1 a letter dt. 5-12-1985 addressed by the Senior Divisional Engineer, Open Cast I Manuguru Division to the Agent, Open Cast I stating that all the three concerned workmen are working in Tool Room Attendants at Open Cast Workshop and recommended to put them in suitable category like Technical 'E' Grade as given to persons working in Kothagudem C.S.P. Ex.W3 is a promotion proposal dt. 5-7-1984 by the Senior Divisional Engineer, Open Cast, Manuguru to the Agent. Open Cast I Manuguru stating that three concerned workmen are working as Tool Room Attendants for the last 2 years and their work and conduct is satisfactory and there are three Tool Room Attendant's vacancies as per the man power assessment by Industrial Engineering Development for the year 1986-87 and recommending to promote them as Tool Room Attendant in Category IV. The said letter also enclosed the copy of Ex.W4 to show that one General Mazdoor was promoted

as Tool Room Attendant in Category IV. Ex.W4 is the office order dt. 15-7-1982 issued by the Executive Director, promoting Sri T. Venkateswara Rao, General Mazdoor as Tool Room Attendant in Category IV.

10. A perusal of all the documents filed before this Tribunal, I find that all the three concerned workmen are working as Tool Room Attendants from 1984 and their cases were clearly recommended for promotion in Grade 'E'/Category IV as per Exs. W-1 and W-3, and that a General Mazdoor like the concerned workmen, is promoted as Tool Room Attendant Category IV through Ex.W4. Exs.W1, W3 and W4 clearly indicate that there is designation called Tool Room Attendant and that there are three such posts in the workshop where the concerned workmen are working. I am of the clear view that the three concerned workmen are liable to be promoted as Tool Room Attendants either in 'E' Grade or in Category IV from April, 1984.

11. In the result, the demand of Singareni Coal Mines Karmika Sangh (BMS) for promoting Sarvasri M. Saranganpani, Ch. Paulson and K. V. Subramanyam, General Mazdoors who are discharging duties of Tool Room Attendants at Workshop Open Cast-I, M/s. Singareni Collieries Company Limited, Manuguru since 1985 in appropriate Grade 'E' is justified. The three concerned workmen are liable to be promoted to Grade 'E' or Category IV from April 1984 and they are liable for arrears.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 7th day February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined
for the Petitioner :

W.W1 K. V. Subramanyam

Witnesses Examined
for the Respondent :

NIL

Documents marked for the Petitioner :

- Ex. W1 5-12-85—Recommendation letter issued by Sr. Divl. Engineer for fixing suitable grade for Tool Room-regarding.
- Ex. W2 29-8-80—Appropriate Grade/Category to Tool Room Attendant-Reg.
- Ex. W3 5-7-87—Promotion proposal addressed by Sr. D.E. CCC I with regarding to the concerned workmen in this dispute.
- Ex. W4 15-7-82—Office order appointing Sri T. Venkateswara Rao General Mazdoor as Tool Room Attendant.
- Ex. W5 19-4-85—Representation to the Director, S.C. Co. Ltd.,
- Ex. W6 6-2-90—Representation to Assistant Commissioner of Labour.
- Ex. W7—Representation to Assistant Commissioner of Labour.
- Ex.W8—Representation to Assistant Commissioner of Labour.
- Ex.W9 13-1-92—Rejection letter from the management with regard to the promotion.

नई दिल्ली, 16 फरवरी, 1994

का.आ. 716.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14 फरवरी, 1994 को प्राप्त हुआ था।

[सं. एल-22012/160/90-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 716.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 14-2-1994.

[No. L-22012/160/90-IR C. II]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 11 OF 1990.

PARTIES :

Employers in relation to the management of F.C.I., Patna and their workmen.

APPEARANCES :

On behalf of the Workmen : Shri S. Bose, Secretary, R.C.M.S. Union.

On behalf of the employers : Shri J. P. Singh, Advocate.

STATE : Bihar

INDUSTRY : Food.

Dated, Dhanbad, the 31st January, 1994.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-22012-(160)/L-I.R. (Coal-I), dated the 26-4-90/2-5-90.

SCHEDULE

"Whether there is employer-employee relationship between the 85 food handling workers as per list annexed of Sitamarhi Food Storage Depot Sitamarhi, Food Storage Depot Panoura and Food Storage Depot Sitamarhi Railway Siding and the Management of Food Corporation of India, Sitamarhi ? If yes, to what relief the workmen are entitled ?"

2. In this reference both the parties appeared and filed their respective W.S. documents. During the course of hearing an application dated 3-8-1993 was filed on behalf of the management requesting that the present Reference No. 11 of 90 be transferred to the National Tribunal.

3. The learned counsel while making submission has taken recourse to the provision as contained under Section 10(2-A) and 6(a) of the I.D. Act. The learned counsel for the workmen/union has already been heard.

4. As per terms of the reference the main question for consideration before this Tribunal is as to whether relationship of employer and employee exists between the management and 85 Food handling workers as per list annexed with the order of reference. The list so annexed appertains

to Food Storage Depot Sitamarhi, Food Storage Depot Panoura and Food Storage depot Sitamarhi and Railway siding. This reference was made on 26-4-1990 to this Tribunal. In this connection my attention was drawn to the copy of the order of reference dated 19-12-1991 whereby certain matters relating to Food handling workers employed in 65 depots as per annexure was referred to the National Tribunal. The Government was of the opinion that those disputes involved a question of national importance. Under these disputes Sitamarhi was one of the depot which contained 85 workers. The schedule of the reference dated 19-12-1991 may be reproduced below :—

"Whether the action of the management of Food Corporation of India in not granting the same wages, status and other benefits of service conditions as of the departmental workers, to the food handling workers employed in 65 depot (as per annexure) under Mate System/Management Committee system is fair and justified? If not, to what relief and service conditions, the workmen are entitled and the date from which they are so entitled?"

5. From the contents of the schedule of the reference dated 19-12-1991 it appears that the subject matter of the present reference was almost same. It is also true that the matter concerning Sitamarhi depot involving 85 Food Handling workers have already been referred to the National Tribunal. I further find that necessary corresponded had already been made with the Ministry of Labour, Government of India for transfer of this reference to the National Tribunal to which the necessary reply was sent to Shri P. K. Saxena, Dy. Manager (I.R.-L), FCI Delhi on 26-4-1993 by the Desk Officer. As per contents of the letter dispute pending before the Central Government Industrial Tribunal/Labour Court shall be deemed to have been quashed on a reference to the National Industrial Tribunal. Therefore, no transfer from CGIT to National Tribunal is deemed necessary.

6. In this connection the reference may also be made to the provision contained under Section 10(2-A) and 6(A) of the I. D. Act, which provides as follows :—

"If the matter under adjudication before the National Tribunal is pending in a proceeding before a Labour Court or Tribunal, the proceeding before the Labour Court or Tribunal, as the case may be, in so far as it relates to such matter, shall be deemed to have been quashed on such reference to the National Tribunal."

In view of this specific provision, I do not think that this reference can be disposed of by this Court. In the circumstances the present reference will be deemed to have been quashed. Accordingly an award is passed.

B. RAM, Presiding Officer

ANNEXURE A

F.C.I. SITAMARI FOOD STORAGE DEPOT.

1. Shri Chulai Rai
2. „ Ramlal Baitha
3. „ Saukhi Baitha
4. „ Satlal Rai
5. „ Rambahadur Rai
6. „ Sitaram Rai
7. „ Ramdeo Rai
8. „ Chattu Shaw
9. „ Saw Narayan Rai
10. „ Joy Govind Rai
11. „ Joginder Rai
12. „ Ramji Sah
13. „ Mongal Rai

14. Shri Harulal Paswan
15. „ Lorik Paswan
16. „ Laxman Ram
17. „ Ram Sevak Ram
18. „ Pathalu Rai
19. „ Prayash Rai
20. „ Kailu Rai
21. „ Parichan Rai
22. „ Baiju Rai
23. „ Dukha Rai
24. „ Rajdev Rai
25. „ Maru Rai

F.C.I. SITAMARHI FOOD STORAGE DEPOT (PANOURA)

1. Shri Suraj Ram
2. „ Harinandan Ram
3. „ Basaband Ram
4. „ Ramdhani Mahato
5. „ Nanna Mahato
6. „ Kishori Rai
7. „ Dhiyand Ram
8. „ Ram Bharose Ram
9. „ Ram Jash Paswan
10. „ Ram Nath Paswan
11. „ Suraj Rai
12. „ Laxmi Rai
13. „ Nathuni Rai
14. „ Lalu Sah
15. „ Bramdeo Mahato
16. „ Prodip Rai
17. „ Bilash Rai
18. „ Shibji Rai
19. „ Farichan Paswan
20. „ Rameswar Paswan
21. „ Dhaneswar Paswan
22. „ Rameshwar Rai
23. „ Ganesh Paswan
24. „ Laman Mahato
25. „ Chulai Rai

F.C.I. F.S.D. SITAMARHI & RLY. SIDING

1. Md. Ekbal Hossain.
2. Md. Jubar
3. Md. Balier Hossain
4. Md. Abdul Zaffar
5. Md. Ainus
6. Md. Abdul Aziz
7. Md. Ishak
8. Abdul Maziz-I
9. Md. Islam
10. Md. Mustafa
11. Md. Pathalu
12. Md. Salim
13. Md. Bholai
14. Shyam Mahammad

15. Md. Habib
16. Md. Hafizul
17. Md. Abdul Salam
18. Hafakat Hossain
19. Md. Taslim
20. Md. Abdul Sakur
21. Md. Md. Jugal
22. Md. Sah Mohammad
23. Md. Munif
24. Md. Idrish
25. Anizad Hossain
26. Md. Rafik
27. Abdul Haque
28. Abdul Mazid-II
29. Abdul Karim
30. Abdul Rahim
31. Md. Hossain
32. Md. Alim
33. Md. Basir Ahmad
34. Abdul Gaffur
35. Md. Tafik

नई दिल्ली, 16 फरवरी, 1994

का.आ. 717.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार, उसे दिनांक 15-2-94 को प्राप्त बम्बई पोर्ट ट्रस्ट प्रबंधन के संबंध में उनके कर्मचारियों और निवासियों के बीच हुए औद्योगिक विवाद के संबंध में अनुबंध में प्रयोजित केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचाट को प्रकाशित करती है।

[मं. एन-31012/8/92-आई आर (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 717.—In pursuance of Section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Bombay as shown in the Annexure, in the Industrial Disputes between the employers in relation to the management of Bombay Port Trust and their workmen, which as received by the Central Government on 15-2-1994.

[No. L-31012/8/92-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-59 OF 1992

PARTIES :

Employers in relation to the management of Bombay Port Trust.

and

Their Workmen

APPEARANCES :

For the Management : Shri M. B. Anchan, Advocate.

For the Workmen : Shri Jayaprakash Sawant

STATE : Maharashtra INDUSTRY : Ports and Docks

Bombay, dated the 3rd day of February, 1994.

AWARD

The following reference has been made by Government of India Ministry of Labour, New Delhi by letter dated 5-8-1992.

"Whether the action of the management of Bombay Port Trust in dismissing the services of Shri B. B. Kambli, ex-Hamal is just, proper and legal? If not, to what relief is the workman entitled to?"

2. Shri Kambli was an employee of the Bombay Port Trust and worked as a Hamal in the Medical Department. He was appointed on 11-3-1970. Alleging that he committed misconduct of habitual absence without leave a chargesheet was given to him by the Chief Medical Officer on 16-11-1983. Enquiry Committee was constituted and after the report of the Enquiry Committee, his services were terminated by the Competent Authority.

3. It is stated in the statement of claim by Shri Kambli that because of some domestic problems, such as illness of members of his family, residing far away from the place of work he could not attend duty on some occasions and he gave an undertaking to improve his attendance. The Enquiry Officer also recommended consideration of the explanation of the workman to the Disciplinary Authority. However, Disciplinary Authority imposed a major and severe penalty of dismissal and his appeal to the Chairman, Bombay Port Trust failed. He therefore, prayed for setting aside the order and re-instatement with full back wages.

4. By written statement filed on behalf of the Bombay Port Trust prayer for rejecting the request of the workman Shri Kambli is made and justification for the action taken is given. It is contended that his attendance record was very poor and during the period from 1-9-1980 to 30-9-1982 he unauthorisedly remained absent on 36 occasions covering total number of 93 days. His annual increment was withheld for one year without prejudice to his future increments. He did not show any improvement and again remained absent unauthorisedly on 47 occasions covering 134 days between 22-6-1981 and 28-4-1983. His abrupt and frequent absence caused great inconvenience in the dispensary and he was therefore, given a chargesheet and proceeded departmentally. In the enquiry he admitted the charges levelled against him and pleaded guilty. The Enquiry Officer, therefore, reported his findings to the Disciplinary Authority and Disciplinary Authority concurring with the findings of the Enquiry Officer and workman's reply to the show cause notice imposed penalty of dismissal from services. It is further admitted that the Chairman considered his appeal against that order and rejected the same. He therefore, approached the Employees' Union and present dispute came to be raised. Failure in the conciliation resulted in the present reference.

5. It is submitted that the workman failed to submit any explanation to the chargesheet and also admitted the charges levelled against him during the enquiry proceedings conducted by Shri S. P. Chaurasia. Carefully considering the adverse report the Disciplinary Authority issued a show cause notice and then dismissed after duly considering his explanation to the show cause notice. It is therefore, submitted that after a fair enquiry held in accordance with the principles of natural justice penalty has been imposed upon him and that too after considering his past record. It is stated that he was explained in Marathi the chargesheet and the material by the Enquiry Officer. It is therefore, ultimately submitted that the order did not call for interference.

6. No oral evidence has been adduced on either side. However, documents have been produced on behalf of the management and they consisted of the chargesheet, enquiry

proceedings, report of the Enquiry Officer show cause notice by the Disciplinary Authority, his explanation thereto and the ultimate order of termination.

7. I heard Mr. Anchan, on behalf of Bombay Port Trust and Mr. Sawant for the union.

8. Shri Kambli has been appointed as a Hamal on 11-3-1970 and present charge for which he was held guilty and punished was that he remained absent unauthorisedly and that amounted to mis-conduct of habitual absence without leave. The delinquent Shri Kambli faced departmental enquiry and during the course of the enquiry admitted the lapse. The Enquiry Officer also examined the leave record produced before him and after explaining the same to the delinquent in Marathi, satisfying himself that the same was understood by the delinquent recorded his plea of guilty. After the same he considered the material and submitted an adverse report. The plea of Shri Kambli in the form of statement is produced and therein it is found that Shri Kambli made a clean breast of himself. He admitted his actions for a period of 134 days on 47 occasions between 22-6-1981 and 28-4-1983. He also admitted that his absence was unauthorised. He undoubtedly stated some reasons for his absence and his inability to inform the management about it, he promised not to repeat such type of mis-conduct and assured of improvement. The Enquiry Officer after considering the material and his admissions recorded adverse findings. It appears that he also mentioned the fact of the delinquent having given some explanation for his absence and his promise to improve in future. He mentioned that the Disciplinary Authority may consider this explanation while deciding about punishment to be imposed. The Disciplinary Authority, however, was unable to help the delinquent and that appears to be because of his past record. I stated earlier, he was dealt with earlier for the lapses as stated in the written statement that he was punished earlier for similar acts of misconduct of habitual absence without leave. It is rather difficult to say that the punishment is not proportionate to the gravity of the charges levelled against him particularly in view of past record. Mr. Sawant on behalf of the workman urged again and again that the workman should be dealt with leniently and punishment should be reduced. On behalf of the management however, it was urged that if this was the first lapse probably the management also would have taken a lenient view. However, on earlier occasions he remained absent for a period of 93 days and in which his increment was withheld and in spite of this he failed to improve his attendance record. He urged that absence of the person working in the Medical Department cause great inconvenience to all concerned and therefore, the order passed by the management should not be interfered with by this Tribunal. I find that in the given circumstances it would not be appropriate to interfere with the order of penalty imposed. I therefore, hold that the action is justified and the workman is not entitled to any relief.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 16 फरवरी, 1994

का.आ. 718.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उसे दिनांक 15-2-94 को प्राप्त मैसर्स डी. वी. सी. एंड सन्स प्रा. लि. प्रबंधन के संबंध में उनके कर्मचारों और नियोक्ताओं के बीच हुए औद्योगिक विवाद के संबंध में अनुबंध में यथोक्त केन्द्रीय सरकार औद्योगिक अधिकरण सं.-1, बम्बई के पंचाट को प्रकाशित करती है।

[मं. एल-31011/2/92-आई.आर. (विधि)]

वी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 718.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Bombay as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. D.B.C. & Sons (P) Ltd., and their workmen, which was received by the Central Government on 15-2-94.

[No. L-31011/2/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar,
Presiding Officer.

Reference No. CGIT-26 of 1993

PARTIES :

Employers in relation to the management of M/s. D.B.C. & Sons (P) Ltd., Bombay.

AND

Their workmen

APPEARANCES :

For the Management : Shri Gokhale, Advocate.

For the Workmen : Shri Anchan, Advocate.

INDUSTRY : Ports & Docks STATE : Maharashtra

Bombay, dated the 2nd day of February, 1994

AWARD

The following reference has been made to this Tribunal by Government of India, Ministry of Labour by letter dated 15-6-1993.

"Whether the management of M/s. D.B.C. and Sons (P) Ltd., Bombay are justified in not extending the benefits of Wage Settlement arrived between the 5 Federation of Port & Dock Workers and the management of All Major Port & Dock on 12-6-89 to its "Bargemen" holding them as not 'Dock workers' in the light of the decisions of Supreme Court (enclosed as Annexure I-B to Annexure-I), if not, to what relief are these Bargemen entitled to and from what date?"

Statement of claim has been filed on behalf of the Union. However before the written statement could be filed the union has filed a statement stating that he union has no membership of the workmen and hence there is no dispute and the reference may be disposed off without adjudication. The learned advocate of the union has also made a request likewise. The learned advocate for the management has endorsement no objection. Hence the dispute does not survive and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 16 फरवरी, 1994

का.आ. 719.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उसे दिनांक 15-2-94 को प्राप्त बम्बई पोर्ट ट्रस्ट प्रबंधन के संबंध में उनके कर्मचारों और नियोक्ताओं के बीच हुए

औद्योगिक विवाद के संबंध में अनुबंध में यथोक्त केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचाट को प्रकाशित करती है। जो केन्द्रीय सरकार को 15-2-94 को प्राप्त हुआ था।

[गं. एल-31012/7/92-आई आर (विविध)]

श्री. एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 719.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Bombay, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which as received by the Central Government on 15-2-1994.

[No. L-31012/7/92-IR(Misc)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-58 OF 1992

PARTIES :

Employers in relation to the management of Bombay Port Trust, Bombay.

And

Their Workmen.

APPEARANCE :

For the Management—Shri Anchan, Advocate.

For the Workman—Shri Sawant.

INDUSTRY : Port & Docks.

STATE : Maharashtra.

Bombay, the 4th day of February, 1994

AWARD

Government of India, Ministry of Labour, New Delhi, by letter dated 5th of August, 1992 made following reference to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Bombay Port Trust, Bombay in ordering compulsory retirement of Shri Vishnu Vittal Vichare, Ex-Clerk, Grade-II from services in Dock Department w.e.f. 27-3-1989 is just, proper and legal? If not, to what relief is the workman entitled to?"

2. Shri Vichare was employed as a Clerk, Grade-II in the Docks Department of Bombay Port Trust. Pending criminal investigation he was placed under suspension with effect from 14-9-1989. Criminal proceedings ended in the acquittal of the workman and the suspension order was revoked.

3. The management, however, initiated departmental proceedings on the same and similar set of charges and found him guilty. On the basis of the findings of the enquiry the management imposed the penalty of compulsory retirement with effect from 27-3-1989.

4. The management according to the workman passed an unjust, improper and illegal order of compulsory retirement and prayed for setting aside the same and re-instatement with full back wages and consequential benefits. It is contended that the findings of the Enquiry Officer are perverse, illegal wrong and erroneous.

5. On behalf of Bombay Port Trust written statement has been filed. It is contended that one Shri I. A. Shaikh, Watchman, was noticed moving under suspicious circumstances by Shri S. G. Pawaskar, Zonal Officer, Shri Shaikh was detained and he reported the matter to the Police. Shri Shaikh's search in the presence of Panchas revealed two ball bearings and they were attached under a Panchanama. Shri Shaikh led the Panchas to "A" Warehouse, 3rd floor and pointed out to Shri Vichare as the person with whose help he had removed two ball bearings. Both Shri Vichare and Shri Shaikh pointed out the place at Bay No. 128 in "A" Warehouse, 3rd floor, and the Carton from which they had removed the two ball bearing. Shri Vichare was arrested by the Police on 14-9-1984 along with Shri Shaikh for the alleged theft of the two ball bearings. It is, thereafter, that he was suspended and after discharge on 30-1-1985 suspension was revoked and he was allowed to resume duty without prejudice to the rights of the management to proceed departmentally. Accordingly he resumed duty on 15-2-1985.

6. The management finding that the discharge was on technical ground and after examining the papers decided to hold departmental enquiry for the mis-conduct and accordingly held an enquiry and dealt with Shri Vichare after the adverse findings of the Enquiry Officer accepted by the Disciplinary Authority. He was given a show cause notice before imposing the penalty. His appeal failed. It is therefore, submitted that after a fair, proper enquiry he was compulsorily retired.

7. It is further, contended that the writ petition was filed by Shri Vichare in the High Court at Bombay and same is pending for final hearings. It is therefore, submitted that the reference be rejected. It is in short, submitted that the order is justified.

8. The rejoinder has been filed on behalf of the union and it is submitted once again that there was no admissible evidence against workman Shri Vichare in support of the charges levelled against him and therefore, he should be exonerated. It is further stated that the writ petition filed in the High Court has been withdrawn because of the reference for adjudication before this Tribunal.

9. The parties have adduced no oral evidence and management produced the papers of enquiry and his mercy petition and order rejecting the appeal.

10. The learned counsel appearing for the management Shri Anchan and Shri Sawant appearing on behalf of the union have been heard and written submission have been considered. The point that arises for consideration is whether the order of compulsory retirement is just, proper and legal. It is not in dispute that Mr. Shaikh was apprehended by Zonal Officer Shri Pawaskar, Shaikh was found in possession of two ball bearings. It is also evident that in the presence of Panchas these ball bearings were attached by the Police. It appears that the case of the management was that Shri Shaikh pointed out Shri Vichare as the person with whose help he had removed the two ball bearings. It is on the basis of this material that the charge is found proved against Shri Vichare.

11. Shri Sawant on behalf of the union submitted that Shaikh was not examined during the course of enquiry and there was no material to connect Shri Vichare with theft of two ball bearings. He submits that Shri Shaikh should have been made available to Vichare for cross-examination and in the absence of that it was not possible for the Enquiry Officer conclude that Shaikh was a reliable witness on whose evidence Vichare could have been held guilty of assisting Shaikh in committing theft of the ball bearings. It is further to be noted that Shri Shaikh is an accomplice and that evidence is without any corroboration. On which findings adverse to Vichare are recorded. I am conscious of the fact that it is not a criminal trial wherein guilt has to be proved beyond reasonable doubt. However, charge levelled against Shri Vichare is very serious namely as of assisting Shri Shaikh in committing theft. In the course of letter addressed by Shri Vichare 6-2-1987 he emphatically stated that he had no involvement in the removal of ball bearings. He further, stated that he tried to convince Shri Pawaskar, Zonal Officer and Shri Kothare, Shed Superintendent about his innocence and they appeared also convinced. Apart from examining the truthfulness or

otherwise of this part of the statement of Shri Vichare fact remains that before the Enquiry Officer there was not even the statement of Shaikh involving Shri Vichare and all that was before him was material in the form of hearsay evidence.

12. It has to be noted that the Enquiry Officer has recorded on internal page 3 that Shri Shaikh only pointed out the Bay and not chargesheeted employee that is Shri Vichare. The Enquiry Officer, however, referred to the statement before the Police wherein the Shed Superintendent had stated that Shri Shaikh pointed out the other person that is CSE from "A" Warehouse and then both the CSE and Shri Shaikh pointed out the place at Bay No. 128 in the Warehouse and showed one carton from which they had removed the two ball bearings. It is on the basis of this statement before the Police that the Enquiry Officer relied for connecting Shri Vichare. The Enquiry Officer has preferred the statement before the Police and also observed that the Shed Superintendent has tried to help the chargesheeted employee Shri Vichare and has thus given false evidence before him in order to protect the chargesheeted employee. He thought that true version before the Police given on that same date was true version. Then the same test is applied also to the statement of Shri Desai PW-5 Ex-Zonal Officer who had stated in the enquiry proceedings that Shri Pawaskar had informed him (Desai) about the removal of those two ball bearings from "A" Warehouse by Shri Shaikh and he himself (Desai) did not witness Shri Shaikh pointing out to the chargesheeted employee. The Enquiry Officer, therefore, relied more upon this evidence to hold the charge against Shri Vichare proved. I stated earlier Shri Shaikh was not examined during the enquiry proceedings, not therefore, available for cross-examination and all that was on record at the most was persons coming before the Enquiry Officer and stating that Shri Shaikh pointed out to Shri Vichare as a person who assisted him in committing theft. That evidence also is not in a very satisfactory state because the Enquiry Officer was required to rely upon contradictory statement made before the Police substantive evidence. I am therefore, of the view that in the circumstances, it is not possible to say that the findings recorded by the Enquiry Officer are based on evidence and material which could be safely acted upon. In the circumstances, the order passed of compulsory retirement is not justified and it is required to be set aside. The consequence is that he will have to be re-instated with full back wages and consequential benefits. Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 16 फरवरी, 1994

का.आ. 720.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार, उसे दिनांक 15 फरवरी, 1994 को प्राप्त मैसूर मिनेरल्स प्रबंधन के संबंध में उनके कार्यकारी और नियोक्ताओं के बीच हुए औद्योगिक विवाद के संबंध में अन्तर्बंध में यथोक्त केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है।

[मं. एल-29012/5/92-आई.आर. (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 720.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal-cum-Labour Court No. I Bangalore as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Mysore Minerals Ltd., and their workmen, which was received by the Central Government on 15-2-94.

[No. L-29012/5/92-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL, TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, this 27th day of January, 1994

PRESENT:

Sri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.
Central Reference No 1/93

I party

v/s

II party

M. Krishnappa,
S/o Bhadra Gouda,
Karkuchi Post,
Tavakere Taluk,
Chickmagalur.

The Manager,
Diggi Manganese Mines,
Mysore Minerals Ltd.,
Kumbarawada P.O.,
Uttar Kannada, Karnataka.

(By Sri K. T. Govindgouda
and Sri A. Raghunath,
Advocates)

(By Sri K. R. Anand, Advocate)

AWARD

In this reference made by the Hon'ble Central Government by its order No. L. 29012/5/92-IR (Misc.) Dt. 7-1-93 under Sec. 10(2A)(i)(d) of I.D. Act the point for adjudication as per schedule to reference is :

"Whether the management of Mysore Minerals Ltd. is justified in terminating the services of Sri M. B. Krishnappa w.e.f. 3-10-85? If not to what relief the workman is entitled?"

2. In the claim statement it is stated :—

The I party joined the services of the II party during the year Feb., 1979 as a supervisor on daily rated basis and confirmed his service as a permanent employee of the company during the year 1983 as a Maid Assistant. During the year 1983 the management of Mysore Minerals Ltd., posted the I party to Subrayana Halli Iron Ore Mines, Sandur, Bellary Dist. and subsequently transferred him from this mines to Diggi Manganese Mines, MML P.O. Kumbarawada, Uttara Kannada. On 2-10-85 the I party has availed leave for 2 days with prior permission from his superiors to see his father who was ailing at his native place Tavakere Taluk. Unfortunately as soon as he went to his native place to see his father the I party fell sick for about 4 months and he could not attend the duty, the I party had intimated the same to his superiors about his illness.

3. On 1-2-86 the I party went to the II party to report for duty with the medical certificate covering the period when he fell sick. But he came to know that the said unit was closed by the Mysore Minerals Ltd., i.e., Diggi Manganese Mines was closed by the management of M.M.C. was closed and transferred all the workmen to Yadavadu Stone Mines situated at Belgaum Dist. Immediately the I party approached Yadavadu Stone Mines to provide him a job. But the management refused to allow him to work and also refused to accept the medical certificate and leave application on the plea that the Manager of Yadavadu Stones Mines have not received any communication from the Head Office of M.M.L. Bangalore.

4. Immediately the I party rushed to the Head office at Bangalore and contacted the authorities and explained to them that the I party could not attend to duty for the aforesaid periods for bonafide reasons and requested them to allow him to work in the mines. The authorities of the Head Office did not take any action. But ultimately the management of Diggi Manganese Mines and also Head Office of Mysore Minerals Ltd., stated that the I party's services were terminated w.e.f. 3-10-85.

5. The termination of the services of the I party is illegal. The II party has not held any enquiry against the I party for the alleged misconduct. The I party is entitled to reinstatement, full back wages with continuity of service.

6. In the counter statement it is contended:—

The action taken by the II party against I party terminating the services of the I party is perfectly legal. The I party has not bothered to contact any official at his original place of work or head office. The II party did not hold any enquiry against the I party because the II party concluded that the I party had not bothered to report for duty for more than 5 years. The I party is not entitled to any relief.

7. On behalf of the II party nobody has been examined. On behalf of the I party, the I party workman has got himself examined and closed his case.

8. The schedule to reference says that the services of the I party were terminated w.e.f. 3-10-85. In the counter statement it is stated that the II party terminated the services of the I party as per order dt. 20-2-90, Ex. M. 2 which is also the copy of Ex. W.5 shows that the services of I party were terminated because the I party was absent from duty from 3-10-85. I have carefully gone through Ex. M.2 and W.5 Ex. M.2 is not a termination order as such. The Technical Director has directed the Manager of Diggi Manganese Mines to terminate the services of I party as per Ex. M.6 since I party had absented w.e.f. 3-10-85. The exact date from which the services of I party have been terminated is not stated in any of the documents. Bearing in mind the reference and the complaint of II party that the I party was absent from 2-10-85, I take it that the I party's services were terminated w.e.f. 3-10-85.

9. Ex. W.9 dt. 1-3-79 is the office order appointing I party as a supervisor on temporary basis Ex. W.10 is the order dt. 7-12-82 regularising the I party's appointment as Supervisor as a mate assistant. Ex. W.10 clearly shows that the appointment of I party was regularised, which means the I party had become a permanent employee.

10. Admittedly no enquiry has been held against the I party for the I party's misconduct in absenting himself without permission for a long period. It has been laid down by the Supreme Court in 1990 (2) Current Labour Reports 1 (The Punjab Land Development & Reclamation Corporation Ltd., Chandigarh v/s. The Presiding Officer, Labour Court, Chandigarh and others) at page 5 that :

"Retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include.

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of a workman on the ground of continued ill health."

So the termination of the service of the I party does not come within any one of the three exceptions stated in the decision of the Hon'ble Supreme Court. The termination of the services of I party clearly amounts to retrenchment. Conditions precedent to retrenchment of a workman are mentioned in Sec. 25-F of the I. D. Act I do not want to burden this order stating those conditions precedent. Suffice it to say that none of the conditions is complied with.

11. For the aforesaid reasons I hold that the II party management was not justified in terminating the services of I party w.e.f. 3-10-85.

12. It is submitted by the Learned counsel for the II party that, even if the order of termination of I party is set aside I party should not be granted any backwages because he has not contacted the II party from 1985 to 1990. It is clear

from the evidence of I party that he has been made to run from pillar to post. The I party has sworn that he had contacted all the branches and head office but none took any action. The action of the II party is patently illegal. The I party has stated that he has been working as a coolie. He has stated that he is not a permanent coolie. I am of opinion that if 50 per cent of backwages are granted ends of justice will be met.

13. All other documents and evidence not referred to by me above are not relevant. In any case they do not alter my conclusions reached above.

ORDER

It is hereby declared that the II party was not justified in terminating the services of the I party workman w.e.f. 3-10-85. The termination order is set aside. II party is directed to reinstate the I party forthwith with continuity of service. I party is entitled to 50 per cent of back wages. Reference accepted as stated herein. Submit to Government.

(Dictated to Stenographer typed by him, corrected, signed by me on this 27th day of January 1994).

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, 16 फरवरी, 1994

का.आ. 721.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उक्त दिनांक 15-2-94 को प्राप्त पी.जी.एम.एल. प्रबंधन के संबंध में उनके कर्मचारों और नियोक्ताओं के बीच हुए औद्योगिक विवाद के संबंध में अनूद्ध में यथोक्त केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है।

[सं. एल-43012/19/92-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 16th February, 1994

S.O. 721.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the employers, in relation to the management of B.G.M.L. and their workmen, which was received by the Central Government on 15-2-94.

[No. L-43012/19/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated this 27th day of January, 1994

PRESENT :

Sri M. B. Vishwanath, B. Sc., B. L., Presiding Officer

Central Reference No. 39/93

The Vice President, Bharath Gold Mines Ltd., Labour Association, No. 332, Near Hockey Ground, Kolar Gold Fields.

V/s.

II Party

The Managing Director, Bharath Gold Mines Ltd., Oorgaum, Kolar Gold Fields.—Sri T. Rajaram, Advocate.

AWARD

New Delhi, the 16th February, 1994

In this reference made by the Hon'ble Central Govt. by its order No. L-43012/19/92-IR (Misc.) dated 14-6-93 under Sec. 10(2A)(1)(d) of I. D. Act the point for adjudication as per schedule to reference is :—

"Whether the management of BGML, K. G. F. is justified in denying annual increments to Sri N. Sunder Rajan for the years 1989 and 1990 ? If not, to what relief the workman is entitled ?"

2. This Tribunal issued notice to I party by post. The I party was absent. By way of abundant precaution this Tribunal issued a registered notice to I party. The registered notice was served on the I party and the postal acknowledgment is received by this Tribunal. Even so the I party has not appeared and filed his claim statement.

3. Since the I party did not appear and did not file the claim statement, the reference was posted for evidence of II party since the burden of proving the point for adjudication as per schedule has been cast on the II party.

3. Since the I party did not appear and did not file the claim statement, the reference was posted for evidence of II party since the burden of proving the point for adjudication as per schedule has been cast on the II party.

4. The II party has examined M. W. 1 Joseph, Personnel Manager. The case of the I party, who was absent, has been taken closed.

5. M. W. 1 Joseph, Personnel Manager of II party has produced the two service cards Exs. M1 and 2 which show that the date of birth of I party was in the year 1930. On this basis the II party wanted to retire the I party at the age of superannuation 38 years w.e.f. 31-12-88.

6. M. W. 1 has stated that the I party approached the Hon'ble High Court and obtained stay order directing the II party not to retire the I party in the year 1988. Ex. M-4 is the certified copy of the final order passed by the Hon'ble High Court in W. P. No. 18192/88 filed by the I party against II party.

7. From Ex. M 4 it is clear that the Hon'ble High Court was pleased to dismiss the Writ petition filed by the I party since the Hon'ble High Court was of opinion that the writ petition did not survive for consideration.

8. The writ petition of the I party was dismissed on the ground that it did not survive. It is clear that the I party worked until he attained the age of 60 years because of the stay order granted by the Hon'ble High Court. It is abundantly clear that the Hon'ble High Court has not been pleased to declare that the date of birth of I party was not in the year 1930 but it was as contended by the I party workman.

9. I party has not produced anything to show that his date of birth was not in the year 1930 but sometime later. Since the I party had to retire at the age of 58 in the year 1988 on 31-12-88, the I party though he worked for the years 1989 and 1990 is not entitled to any increments. The II party was justified in denying annual increments to I party. Award passed rejecting the reference. Submit to Government.
(Dictated to Stenographer, typed by him, corrected, signed by me on this 27th day of January, 1994).

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, 16 फरवरी, 1994

का.आ. 722.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उसे दिनांक 15-2-94 को प्राप्त सर्वोपलब्धी माइन्स प्रोजेक्ट प्रबंधन के संबंध में उनके कर्मचारों और नियोक्ताओं के बीच हुए औद्योगिक विवाद के संबंध में अनुबंध में यथोक्त औद्योगिक अधिकरण उड़ीसा, भुवनेश्वर के पंचाट को प्रकाशित करती है।

[सं. एल-29012/7/90-आई.आर. (विधि)]
बी.एम. डेविड, डेस्क अधिकारी

S.O. 722.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Industrial Tribunal—Orissa, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Sargipalli Mines Project and their workmen, which was received by the Central Government on 15-2-94.

[No. L-29012/7/90-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial dispute case No. 17 of 1990 (Central)
Bhubaneswar, the 1st February, 1994

BETWEEN :

The management of Sargipalli Mines Project of Hindustan Zinc Ltd., Dist : Sundergarh, Orissa,
.....First party management.

(AND)

Their workman Sri Dhableswar Naik, Village—Kiripara, P.O. Nialipali, P.S. Bhasma, Dist. Sundergarh, Orissa.

....Second party—workman.

APPEARANCES :

Sri J. Patnaik, Advocate—For the first party—management.

Sri P. K. Parida, Advocate—For the second party—workman.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-29012/7/90-IR(Misc.) dt. 4-5-90 :—

"Whether the action of the management of Sargipalli Mines Project of Hindustan Zinc Ltd., Dist. : Sundergarh, Orissa in discharging Sri Dhableswar Naik, Helper from service w.e.f. 1-6-1987 is justified ? If not, to what relief is the workman entitled ?"

2. The workman, a helper in the management of Sargipalli Mines Project of M/s. Hindustan Zinc Limited faced a disciplinary proceeding on the allegation of committing theft of a steel sheet, crow-bar and some other articles from the Mines premises. An Officer of the Mines who was enquiring into the charges having found him guilty submitted a report whereupon the management discharged him from service. This action of the management is under challenge in the present reference.

3. Briefly stated, the case of the management is that the workman while committing theft of a steel sheet on 13-3-87 at about 8.15 P.M. was caught red-handed by a CISF Constable who took him alongwith the stolen article to the control room of the CISF where a formal seizure list of the said article was prepared and a report was made. The concerned constable also gave a report about the incident whereupon a preliminary enquiry was conducted on conclusion where of charge was laid against the workman. Consequent upon framing of the charge the workman was

noticed to show-cause in response to which he submitted his written defence denying the charge brought against him. Thereafter the management held a domestic enquiry and in order to bring home the charge examined three witnesses. On the other hand, the workman did not lead any evidence. After hearing was concluded the enquiry officer on consideration of the evidence led before him held the workman guilty of the charge and accordingly submitted his report. Consequently, the management considering the gravity of the offence, which according to the Standing Orders is a misconduct, discharged him from service. Feeling aggrieved by such action of the management, the workman raised an industrial dispute which has ultimately been referred to this Tribunal for adjudication.

4. Denying the allegation of theft of management's property, the workman has pleaded inter-alia that the enquiry so held against him was not fair, proper and in accordance with the principles of natural justice, in as much as, the copy of the enquiry report on the basis of which charge was laid was not supplied to him alongwith the charge-sheet; that he was not furnished with the list of witnesses who were examined in the enquiry and that he was not given a chance by the enquiry officer to adduce evidence to rebut the charge. To add to it, he has urged that the punishment awarded against him is not commensurate with the gravity of misconduct.

5. In view of the pleadings of the parties, three questions emerging for decision are :—

- (1) Is the domestic fair and proper ?
- (2) Is the punishment awarded disproportionate to the charge ?
- (3) Did the workman commit the misconduct as alleged ?

6. As to the question of fairness of domestic enquiry, a brief reference may be made to the ocular evidence of M.W.1, the Presenting Officer and certain relevant documents brought in evidence by the management. According to the management, Constable Sri R. C. Jena, M.W.2 apprehended the workman while he was committing theft of management's property i.e., one steel sheet and then brought him to the control room. On the same day he gave a written report, Ext. 2/1 on receipt whereof a preliminary enquiry was held on conclusion of which a charge sheet was laid against the workman. Copy of the said written report of Sri Jena ought to have been supplied to the workman alongwith the charge sheet but it was not done so as admitted by M.W.1. (see para-5 of his evidence). He would also further admit that neither the copy of the seizure list nor the names of the witnesses had been furnished to the workman prior to the taking-up the enquiry. From the enquiry report, Ext. 5/1 it transpires that the enquiry was conducted in hot-haste without giving reasonable time to the workman to effectively challenge the evidence led by the management and to adduce evidence in support of his defence plea. This observation of mine finds support from the enquiry report itself and the evidence of W.W.1. The enquiry commenced on 30-3-87 and then adjourned to 3-4-87 and from that day onwards it was taken-up from day-to-day and completed on 5-4-87. W.W.1 on being cross-examined has unhesitatingly admitted that no written order was passed by the enquiry officer regarding giving opportunity to the workman to adduce his defence evidence. In my opinion, the enquiry was held as an eye-wash to show that the action taken against the workman is based on the findings of guilt recorded by the enquiry officer. This observation of mine finds support from certain materials available on record. Prior to the framing of charge the management conducted a preliminary enquiry by M.W.3 with a view to get a confessional statement recorded from the workman so as to use the same as evidence in the domestic enquiry. That confessional statement recorded by M.W.3 is marked Ext. 2. The certified standing orders of the management no where provides for holding a preliminary enquiry particularly when a written complaint of theft has been lodged against a workman.

7. On a conspectus of the evidence and the circumstance, what strikes my mind is that not only justice has not been

done but it appears to have not been done to the workman. In this view of the matter, I hold that the domestic enquiry held against him is unfair and improper.

8 This takes me to find as to whether sufficient evidence has been led by the management on merit to bring home the charge of misconduct to the workman.

In order to establish the said charge, the management relies upon the evidence of M.Ws.2 & 5. Supporting the case of the management, M.W.2 would say that while he was patrolling inside the Plant he found a person proceeding towards the emergency gate with a steel plate and on his reaching the gate he pushed that plate through a gap to the outside. At that moment he apprehended him, brought him to the control room with the article and gave a report, Ext. 2/1. He has been cross-examined at length by the workman but nothing substantial could be elicited to impeach his credibility. A suggestion has been thrown to him to which he has denied that he had earlier incurred loan of Rs. 200/- from the workman and when demanded he had threatened him to see him later on. This being mere a suggestion and having not been corroborated by any other evidence can not be accepted on its face value, I believe the version of M.W.2 that he apprehended the workman while he was attempting to pass out a steel plate belonging to the management through emergency gate.

The next witness is M.W.5 who speaks about the seizure of the steel article under seizure list, Ext. 1. His evidence is of no help to the management since the seizure list does not reveal that it was seized from the possession of the workman. However, relying on the sole testimony of M.W.2, I conclude that the workman committed theft of management's property which is a misconduct under clause-17(3) of the certified standing orders, Ext. 8. This being my finding, the next question which requires determination is as to whether the misconduct was so grave so as to take away the services of the workman.

9. The value of the stolen property is about Rs. 300/- as deposed to by M.W.4. This was the solitary occasion when the workman, a low-grade employee being tempted took away a petty article from the custody of his employer. It is not the case of the management that the workman was in habit of committing such misconduct and in earlier occasion he committed theft of his employer's property. So, keeping in view the value of the stolen property and past service career of the workman which was without blemish the management should have taken a lenient view and awarded a minor punishment.

A similar case like the present one came-up for consideration before the Gujarat High Court in the case of R. M. Parmar Vrs. Gujarat Electricity Board, Baroda, reported in 1982 Lab. I.C. 1031. In that case the workman, a Helper of the Electricity Board was dismissed from service for absence from duty for two days without obtaining prior permission and for theft of a scrap material valued at less than Rs. 50/-. He challenged the order of dismissal before the Labour Court, Ahmedabad which ultimately passed an award in favour of the management. The aggrieved employee then approached the High Court under Article-226 of the Constitution challenging the legality and validity of the Award rendered by the Labour Court. While allowing the writ, Hon'ble Chief Justice M. P. Thakkar (as he was then) in paragraph-6 of the judgment observed as under :—

“xx xx xx xx xx

9. Taking of a petty article by a worker in a moment of weakness when he yields to a temptation does not call for an extreme penalty of dismissal from service. More particularly when he does not hold a sensitive post of trust (Pilferage by a cashier or by a store-keeper from the stores in his charge, for instance, may be viewed with seriousness). A worker brought up and living in an atmosphere of poverty and want when faced with temptation, ought not to, but may, yield to it in a moment of weakness. It cannot be approved, but it can cer-

tainly be understood particularly in an age when even the rich commit economic offences to get richer and do so by and large with impunity. (And even tax evasion or possession of black money is not considered to be dishonourable by and large). A penalty of removal from service is therefore, not called for when a poor worker yields to a momentary temptation and commits an offence which often passes under the honourable name of kleptomania when committed by the rich."

In the aforesaid case the value of the scrap material which the employee concerned alleged to have committed theft was about Rs. 50/-. At present its value would not less than ten times, that is Rs. 500/-. In the case at hand, the value of the steel plate which the aggrieved workman attempted to take away from the company's premises is Rs. 300/-. So, the reported decision and the observation of the Hon'ble Court squarely applies to the present case. In this view of the

matter, I hold that the punishment awarded to the workman is not commensurate with the gravity of misconduct.

10. Having considered all the aspects of the matter and keeping in view the gravity of misconduct, I hold that the action taken by the management in discharging the workman from service is unjustified. So, he be reinstated in service with 50 per cent back wages which the management shall pay within three months from the date of publication of the Award. However, for the proven misconduct the workman has to be awarded with punishment and withholding of increment being one of the punishments as enumerated in Class-21 of the Standing Orders, I would direct the management to withhold his one increment when his next increment falls due.

The reference is thus answered accordingly. Dictated and corrected by me.

R. K. DASH, Presiding Officer